

# Indiana Board of Podiatric Medicine

A compilation of the Indiana Code and Indiana Administrative Code

2012 Edition



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# INDIANA BOARD OF PODIATRIC MEDICINE

2012 Edition

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**INDIANA CODE § 25-29**

**ARTICLE 29. PODIATRISTS**

**INDIANA CODE § 25-29-1**

**Chapter 1. Regulation of Podiatrists**

**IC 25-29-1-0.5 Unauthorized practice of podiatric medicine; excluded activities**

Sec. 0.5. (a) This article, as it relates to the unlawful or unauthorized practice of podiatric medicine, does not apply to any of the following:

(1) A student in training in a podiatric medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's podiatric staff or in a program approved by the board.

(2) An individual who renders service in case of emergency when no fee or other consideration is contemplated, charged, or received.

(3) Commissioned podiatric medical officers or podiatric medical service officers of the armed forces of the United States, the United States Public Health Service, and podiatric medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana who are also licensed to practice podiatric medicine in another jurisdiction in the United States.

(4) An individual who is licensed to practice podiatric medicine in another jurisdiction, and is called in for consultation by an individual licensed to practice podiatric medicine in Indiana.

(5) An individual administering a domestic or family remedy to a member of the individual's family.

(6) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a podiatrist.

(7) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(8) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(9) A nurse practicing the nurse's profession under IC 25-23.

(10) A pharmacist practicing the pharmacist's profession under IC 25-26.

(11) A physical therapist practicing the physical therapist's profession under IC 25-27.

(12) A physician or an osteopath practicing the physician's or osteopath's profession under IC 25-22.5.

(13) An employee, including a licensed podiatrist's assistant, of a podiatrist or group of podiatrists who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing podiatrist or group of podiatrists, if the act, duty, or function is performed under the direction and supervision of the employing podiatrist or a podiatrist of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing podiatrist or the podiatrist of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing podiatrist or a podiatrist of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (8) through (12), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(14) A hospital licensed under IC 16-21 or IC 12-25.

(15) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a podiatrist;

(B) a psychiatric hospital;

(C) a hospital;

(D) a health facility;

(E) a registered or licensed practical nurse;

(F) a physician;

(G) a chiropractor; or

(H) a physical therapist.

(b) A person described in subsection (a)(8) through (a)(12) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and

(2) the act qualifies in whole or in part as the practice of podiatric medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(14) through (a)(15) and a licensed podiatrist does not constitute the unlawful practice of podiatric medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed podiatrist. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of podiatric medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21-2. A podiatrist licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of podiatric medicine under this chapter.

*As added by P.L. 33-1993, SEC.50. Amended by P.L. 2-1995, SEC.99; P.L. 1-1998, SEC.133; P.L. 42-2011, SEC.57.*

**IC 25-29-1-1**

**Repealed**

*(Repealed by Acts 1982, P.L. 113, SEC.91.)*

**IC 25-29-1-1.1 Definitions**

Sec. 1.1. The definitions in this chapter apply throughout this article. *As added by Acts 1981, P.L. 222, SEC.221. Amended by P.L. 137-1985, SEC.9; P.L. 33-1993, SEC.51; P.L. 217-1993, SEC.5; P.L. 1-1994, SEC.127.*

**IC 25-29-1-2**

**Repealed**

*(Repealed by P.L. 33-1993, SEC.74.)*

**IC 25-29-1-3**

**Repealed**

*(Repealed by P.L. 33-1993, SEC.74.)*

**IC 25-29-1-3.1**

**Repealed**

*(Repealed by P.L. 33-1993, SEC.74.)*

**IC 25-29-1-4**

**Repealed**

*(Repealed by P.L. 137-1985, SEC.19.)*

**IC 25-29-1-4.1****Repealed***(Repealed by P.L. 33-1993, SEC.74.)***IC 25-29-1-5****Repealed***(Repealed by P.L. 33-1993, SEC.74.)***IC 25-29-1-5.1****Repealed***(Repealed by P.L. 33-1993, SEC.74.)***IC 25-29-1-5.2****Repealed***(Repealed by P.L. 33-1993, SEC.74.)***IC 25-29-1-6****Repealed***(Repealed by Acts 1981, P.L. 222, SEC.296.)***IC 25-29-1-6.1****Repealed***(Repealed by P.L. 152-1988, SEC.30.)***IC 25-29-1-7****Repealed***(Repealed by P.L. 33-1993, SEC.74.)***IC 25-29-1-8****Repealed***(Repealed by P.L. 33-1993, SEC.74.)***IC 25-29-1-9****Repealed***(Repealed by P.L. 33-1993, SEC.74.)***IC 25-29-1-9.5 "Agency" defined**

Sec. 9.5. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

*As added by P.L. 1-2006, SEC.470.***IC 25-29-1-10 "Board" defined**

Sec. 10. "Board" refers to the Board of Podiatric Medicine established by IC 25-29-2-1.

*As added by P.L. 33-1993, SEC.53.***IC 25-29-1-11****Repealed***(Repealed by P.L. 1-2006, SEC.588.)***IC 25-29-1-12 "Podiatric Medicine" defined**

Sec. 12. (a) "Podiatric medicine" means diagnosis or medical, surgical (as described in IC 25-22.5-1-1.1 (a)(1)(C)) and mechanical treatment of the human foot and related structures.

(b) Podiatric medicine includes the administration of local anesthetics.  
*As added by P.L. 33-1993, SEC.55.*

**IC 25-29-1-13 "Podiatrist" defined**

Sec. 13. "Podiatrist" means an individual who:

- (1) practices podiatric medicine; and
- (2) uses one (1) or more of the following designations:
  - (A) Doctor of podiatric medicine.
  - (B) Podiatric physician.
  - (C) Podiatric surgeon.

*As added by P.L. 33-1993, SEC.56.***IC 25-29-1-14 "Podiatrist's assistant" defined**

Sec. 14. "Podiatrist's assistant means an individual who is certified under 25-29-8.

*As added by P.L. 33-1993, SEC.57.***IC 25-29-1-15 "Supervising podiatrist" defined**

Sec. 15. "Supervising podiatrist" means a licensed podiatrist who has been certified by the board under IC 25-29-8 to supervise a podiatrist's assistant.

*As added by P.L. 33-1993, SEC.58.***IC 25-29-1-16 "Surgical treatment" defined**

Sec. 16. "Surgical treatment" means the incision, excision or disarticulation of parts of the human foot and related structures to treat a disease, a deformity or an ailment of the foot. The term does not include the amputation of the entire foot, but does include the amputation of an entire toe if the amputation is performed at an institution:

- (1) that is approved by a joint commission of accredited hospital organizations; and
- (2) where co-management of the patient is being performed by a physician licensed under IC 25-22.5.

*As added by P.L. 33-1993, SEC.59.*

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**INDIANA CODE § 25-29-2****Chapter 2. Board of Podiatric Medicine****IC 25-29-2-1 Establishment of Board**

Sec. 1. The Board of Podiatric Medicine is established.

*As added by P.L. 33-1993, SEC.60.***IC 25-29-2-2 Membership of Board; Qualifications**

Sec. 2. (a) The board consists of six (6) members appointed by the Governor.

(b) Four (4) members must be licensed podiatrists who actively practice podiatric medicine and who meet the following conditions:

- (1) Be licensed in Indiana as a podiatrist under this article.
- (2) Be a resident of Indiana.
- (3) Have practiced podiatric medicine for at least five (5) years.
- (c) Two (2) members of the board must meet the following conditions:
  - (1) Be a resident of Indiana.
  - (2) Not be associated with the practice of podiatry other than as a consumer.

*As added by P.L. 33-1993, SEC.60.***IC 25-29-2-3 Terms of Members**

Sec 3. A member of the board serves a term of three (3) years and until the member's successor is appointed and qualified.

*As added by P.L. 33-1993, SEC.60.***IC 25-29-2-4 Removal of Member; Filling Vacancies**

Sec. 4. (a) The Governor may remove a member of the board after a hearing conducted under IC 4-21.5-3 for incompetency, neglect of duty or for unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by appointment by the Governor for the unexpired term.

*As added by P.L. 33-1993, SEC.60.***IC 25-29-2-5 Quorum**

Sec. 5. A quorum of the board consists of four (4) members. At least four (4) votes are necessary for the board to take official action.

*As added by P.L. 33-1993, SEC.60.*

#### **IC 25-29-2-6 Meetings**

Sec. 6. (a) The board shall hold at least one (1) meeting each year. The board may hold additional meetings that the board considers necessary.

(b) A meeting may be called by the chairman or by the members of the board.

*As added by P.L. 33-1993, SEC.60.*

#### **IC 25-29-2-7 Officers**

Sec. 7. Each year the board shall elect a chairman and any other officers from its members that the board considers necessary.

*As added by P.L. 33-1993, SEC.60.*

#### **IC 25-29-2-8 Compensation and Reimbursement**

Sec. 8. Each member of the board is entitled to receive the minimum salary per diem provided by IC 4-10-11-2.1 (b). The member is also entitled to reimbursement for traveling and expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures prepared by the Indiana department of administration and approved by the budget agency.

*As added by P.L. 33-1993, SEC.60.*

#### **IC 25-29-2-9 Records**

Sec. 9. The agency shall keep a record of all licenses and applications for licensure. The record must contain all the facts in the application, including the action of the board on the application.

*As added by P.L.33-1993, SEC.60. Amended by P.L.1-2006, SEC.471.*

#### **IC 25-29-2-10 Receipts and deposits**

Sec. 10. The agency shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state.

*As added by P.L.33-1993, SEC.60. Amended by P.L.1-2006, SEC.472.*

#### **IC 25-29-2-11 Adoption of Rules**

Sec. 11. (a) The board may adopt rules under IC 4-22-2 concerning the following:

- (1) Forms necessary for application.
- (2) Creation of a committee to assist the board with the administration of podiatrist's assistants and supervising podiatrists under IC 25-29-8.
- (3) Areas that are necessary to implement this act.

(b) The board shall adopt rules under IC 4-22-2 concerning the following:

- (1) The establishment of fees under IC 25-1-8-2.
- (2) The retirement or surrender of a license.
- (3) Granting an inactive license and procedures for reinstatement of an inactive license.

*As added by P.L. 33-1993, SEC.60.*

#### **IC 25-29-2-12 Conduct of Hearings**

Sec. 12. Each hearing conducted by the board must be held in accordance with the procedures under IC 4-21.5-3.

*As added by P.L. 33-1993, SEC.60.*

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## **INDIANA CODE § 25-29-3**

### **Chapter 3. Application for Licensure**

#### **IC 25-29-3-1 Evidence Required for Licensure**

Sec. 1. An individual who applies for a license to practice podiatric medicine must present satisfactory evidence to the board that the individual:

- (1) does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;
- (2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;
- (3) has graduated with a degree of doctor of podiatric medicine from a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;
- (4) has satisfactorily completed at least twelve (12) months of progressive graduate podiatric medical training that meets the requirements of the Council on Podiatric Medical Education;
- (5) has proper medical malpractice insurance.

*As added by P.L. 33-1993, SEC.61.*

#### **IC 25-29-3-2 Applicant Appearance before Board**

Sec. 2 (a) The board may require an applicant under this chapter to personally appear before the board.

(b) The board may require the applicant to provide other information that the board determines is necessary.

*As added by P.L. 33-1993, SEC.61.*

#### **IC 25-29-3-3 Application Fee**

Sec. 3. An individual applying for a license under this chapter must pay a fee.

*As added by P.L. 33-1993, SEC.61.*

#### **IC 25-29-3-4 Right of applicant to take examination**

Sec. 4. An applicant who satisfies the requirements under this chapter may take the examination under IC 25-29-4.

*As added by P.L.33-1993, SEC.61. Amended by P.L.2-2005, SEC.68.*

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## **INDIANA CODE § 25-29-4**

### **Chapter 4. Examinations**

#### **IC 25-29-4-1 Provision for Examinations**

Sec. 1. The board shall provide for examinations to be given at least two (2) times a year at times and places established by the board.

*As added by P.L. 33-1993, SEC.62.*

#### **IC 25-29-4-2 Preparation, Administration and Scoring of Examination**

Sec. 2. (a) The board shall approve the preparation, administration and scoring of the examination.

(b) The board shall establish examination procedures and the score required or pass the examination.

*As added by P.L. 33-1993, SEC.62.*

#### **IC 25-29-4-3 Division of Examination into Parts; Rules for Reexamination**

Sec. 3. (a) The board may require that the examination be administered in separate parts.

(b) The board shall establish specific time requirements for an initial applicant to pass the examination.

(c) The board may grant permission to take subsequent examinations and establish additional requirements for applicants who do not meet the time requirements to pass the examination under subsection (b).

*As added by P.L. 33-1993, SEC.62.*

#### **IC 25-29-4-4 Examination Fees**

Sec. 4. An applicant must pay an examination fee before taking the examination.

*As added by P.L. 33-1993, SEC.62.*

#### **IC 25-29-4-5 Grant of License to Successful Examinees**

Sec. 5. The board shall issue a license to an applicant who has passed the examination and meets the other requirements under this chapter and IC 25-29-4.

*As added by P.L. 33-1993, SEC.62.*

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### **INDIANA CODE § 25-29-5**

#### **Chapter 5. Reciprocity; Temporary Licensure**

##### **IC 25-29-5-1 Reciprocal licenses**

Sec. 1. (a) The board may issue a license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

- (1) meets the requirements under IC 25-29-3-1;
- (2) is licensed in a state, territory, or possession of the United States;
- (3) has passed a podiatric medical licensing examination that is substantially equivalent to the examination under IC 25-29-4; and
- (4) has practiced podiatric medicine for at least five (5) years.

(b) The board may require an applicant under this section to do the following:

- (1) Personally appear before the board.
- (2) Pass a medical examination, approved by the board, if at least ten (10) years have elapsed since the applicant passed a medical licensing examination.

*As added by P.L.33-1993, SEC.63. Amended by P.L.2-2005, SEC.69.*

##### **IC 25-29-5-2 Temporary licensure**

Sec. 2. (a) The board may issue a temporary license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

- (1) meets the requirements established by the board; and
- (2) is licensed in a state, territory, or possession of the United States.

(b) A temporary license expires the earlier of:

- (1) the date the applicant holding the temporary license is issued a license under this article; or
- (2) the date the board disapproves the applicant's licensure application.

*As added by P.L.33-1993, SEC.63.*

##### **IC 25-29-5-3 Limited licensure**

Sec. 3. The board may issue a limited license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

- (1) except for the requirements under IC 25-29-3-1(3) and IC 25-29-3-1(4), meets the requirements under IC 25-29-3-1;
- (2) meets the requirements established by the board; and
- (3) is enrolled in a graduate training program in an institution that is approved by the board.

*As added by P.L.33-1993, SEC.63. Amended by P.L.2-2005, SEC.70.*

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### **INDIANA CODE § 25-29-6**

#### **Chapter 6. License Renewal**

##### **IC 25-29-6-1 Expiration of license**

Sec. 1. A license to practice podiatric medicine expires on a date established by the agency under IC 25-1-5-4 in each odd-numbered year.

*As added by P.L.33-1993, SEC.64. Amended by P.L.158-2003, SEC.8; P.L.1-2006, SEC.473.*

##### **IC 25-29-6-2 Renewal notice; fee**

Sec. 2. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fees must be paid in accordance with IC 25-1-8-2(d).  
*As added by P.L.33-1993, SEC.64.*

##### **IC 25-29-6-3 Failure to renew; conditions for subsequent relicensing**

Sec. 3. (a) The failure on the part of a podiatrist to renew a license as required does not deprive the individual of the right of renewal of the individual's license.

(b) The board may reinstate a license to a podiatrist who has not renewed the individual's license not later than four (4) years after the expiration if the individual meets the requirements under IC 25-1-8-6(c).

(c) If a license has been expired for more than four (4) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

*As added by P.L.33-1993, SEC.64. Amended by P.L.105-2008, SEC.56.*

##### **IC 25-29-6-4 Application for renewal; contents and verification**

Sec. 4. An application for renewal must be verified by the applicant and include the following information:

- (1) Any action taken against the podiatrist for conduct that would be a ground for disciplinary action.
- (2) Any awards, judgments, or settlements against the podiatrist that total at least twenty thousand dollars (\$20,000) in a calendar year.
- (3) The podiatrist's voluntary surrender or voluntary limitation on a license or authorization to practice podiatric medicine in another jurisdiction.
- (4) Any denial to issue the podiatrist a license or authorization to practice medicine in another jurisdiction.
- (5) The podiatrist's voluntary resignation from the medical staff of a health care institution or voluntary limitation of the podiatrist's staff privileges at the health care institution if the action occurred while the podiatrist was under investigation by the health care institution for possible medical incompetence, unprofessional conduct, or a mental or physical impairment.
- (6) The podiatrist's voluntary resignation or withdrawal from a podiatric medical society, an association, or an organization if the action occurred while the podiatrist was under investigation or review by the medical body for possible medical incompetence, unprofessional conduct, or a mental or physical impairment.
- (7) Any addiction or treatment for addiction to alcohol or a chemical substance during the preceding four (4) years.
- (8) Any physical injury or disease or mental illness during the preceding four (4) years that affected or may affect the podiatrist's ability to practice podiatric medicine.
- (9) Except for a showing of good cause that is acceptable to the board, evidence of the podiatrist's maintenance of professional medical competence, which may include continuing podiatric medical education, postgraduate studies, institutes, seminars, lectures, conferences, work shops, professional evaluation, and specialty



board certification or recertification during the preceding four (4) years.

*As added by P.L.33-1993, SEC.64.*

#### **IC 25-29-6-5 Applications for renewal; further information or appearance**

Sec. 5. The board may under section 4 of this chapter require an applicant to do the following:

- (1) Provide additional information that the board determines is necessary.
- (2) Personally appear before the board.

*As added by P.L.33-1993, SEC.64.*

#### **IC 25-29-6-6 Use of information for investigation or disciplinary proceedings**

Sec. 6. The board may initiate an investigation or a disciplinary proceeding based on information that is collected under this chapter.

*As added by P.L.33-1993, SEC.64.*

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### **INDIANA CODE § 25-29-7**

#### **Chapter 7. Impairment**

##### **IC 25-29-7-1 Findings of Impairment; Disposition**

Sec. 1. If after a physical or mental examination under 25-1-9-7 and a hearing, the board determines that a podiatrist is impaired from practicing podiatric medicine with reasonable skill and safety because of a mental illness, a physical illness or an excessive use or habitual use of a controlled substance (as defined in IC 35-48-1-9) or alcohol the board may impose any of the following, singly or in combination:

- (1) Require the podiatrist to submit to care, counseling or treatment that is acceptable to the board.
- (2) Suspend, limit, or restrict the podiatrist's license for the duration of the impairment.
- (3) Revoke the podiatrist's license.

*As added by P.L. 33-1993, SEC.65.*

##### **IC 25-29-7-2 Rehabilitation; Removal of Modification or Sanction**

Sec 2. (a) A podiatrist who is prohibited from practicing podiatric medicine under section 1 of this chapter may present evidence to the board at reasonable intervals that the podiatrist is able to practice podiatry with reasonable skill and safety.

(b) The board may after a hearing under subsection (1) remove or modify any sanction imposed under section 1 of this chapter.

*As added by P.L. 33-1993, SEC.65.*

##### **IC 25-29-7-3 Adoption of Rules**

Sec. 3. The Board may adopt rules that do the following:

- (1) Require podiatrists to report an impaired podiatrist to the Board.
- (2) Approve certain voluntary treatment programs for impaired podiatrists that are medically directed and nonprofit. The rules must allow an approved treatment program to be exempt from reporting to the Board if the impaired podiatrist is participating satisfactorily in the program.

*As added by P.L. 33-1993, SEC.65.*

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### **INDIANA CODE § 25-29-8**

#### **Chapter 8. Podiatrist's Assistants**

##### **IC 25-29-8-1 Qualification for Licensure**

Sec. 1. (a) An individual who applies for a podiatrist's assistant license must present satisfactory evidence to the board that the individual:

- (1) has completed all requirements for podiatrist's assistants established by the National Board of Podiatric Medical Assistants;
- (2) has successfully completed the examination administered by the National Board of Podiatric Medical Assistants;
- (3) has met the education, skill and experience qualifications established by the board;
- (4) has completed a verified application that contains the applicant's name and address and other information required by the board; and
- (5) has paid a fee established by the board.

(b) The board shall issue a podiatrist's assistant license to an applicant who meets the qualification under subsection (a).

*As added by P.L. 33-1993, SEC.66.*

##### **IC 25-29-8-2 Supervising Podiatrist Certification**

Sec. 2. (a) A licensed podiatrist may apply to the board for a certificate as a supervising podiatrist.

(b) An applicant under this section must agree:

- (1) to be personally responsible for the supervision of the podiatrist's assistant who is employed by the applicant;
- (2) to not employ more than two (2) podiatrist's assistants at one (1) time;
- (3) to limit a podiatrist's assistant's activities to areas which the supervising podiatrist is qualified; and
- (4) other criteria established by the board.

*As added by P.L. 33-1993, SEC.66.*

##### **IC 25-29-8-3 Personal Appearance by Applicant before Board**

Sec. 3. The board may require an applicant under this chapter to personally appear before the board.

*As added by P.L. 33-1993, SEC.66.*

##### **IC 25-29-8-4 Qualification of Podiatrist Employing Assistant; Certification of Supervisor**

Sec. 4. (a) A podiatrist may not employ a podiatrist's assistant unless:

- (1) the podiatrist is certified; and
- (2) the podiatrist's assistant is licensed; under this chapter.

(b) A podiatrist's assistant may not work as a podiatrist's assistant under the supervision of any person except a certified supervising podiatrist.

*As added by P.L. 33-1993, SEC.66.*

##### **IC 25-29-8-5 Standards of Practice for Assistants**

Sec. 5. The board shall establish standards of practice for podiatrist's assistants.

*As added by P.L. 33-1993, SEC.66.*

##### **IC 25-29-8-6 Term of License; Renewal**

Sec. 6. (a) A license or certificate issued under this chapter expires one (1) year after issuance.

(b) An individual issued a license or certificate under this chapter may apply for renewal if a renewal fee is paid and the applicant follows the procedures and meets the requirements established by the board.

*As added by P.L. 33-1993, SEC.66.*

##### **IC 25-29-8-7 Revocation or Suspension of License**

Sec. 7. (a) The board may revoke or suspend a license or certificate issued under this chapter if a supervising podiatrist or podiatrist's assistant fail to comply with the requirements under this chapter.

(b) The board shall report a podiatrist's assistant's license suspension or revocation to the Federation of Podiatric Medical Boards.

*As added by P.L. 33-1993, SEC.66.*

#### **IC 25-29-8-8 Assistants; Prescription of Drugs**

Sec. 8 A podiatric assistant may not prescribe a legend drug (as defined in IC 16-18-2-199).

*As added by P.L. 33-1993, SEC.66.*

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### **INDIANA CODE § 25-29-9**

#### **Chapter 9. Penalties**

##### **IC 25-29-9-1 Article Violations; Offenses**

Sec. 1. (a) A person that knowingly engages or aids and abets another person, in the practice of podiatric medicine without a license issued under this article commits unauthorized practice of podiatric medicine, a Class D felony.

(b) A person who otherwise violates this article commits a Class C misdemeanor.

*As added by P.L. 33-1993, SEC.67.*

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INDIANA CODE § 25-1

ARTICLE 1. GENERAL PROVISIONS

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INDIANA CODE § 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

**IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax**

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

**IC 25-1-1-2 License defined**

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

**IC 25-1-1-3**

**Repealed**

(Repealed by Acts 1978, P.L.2, SEC.2570.)

**IC 25-1-1-4**

**Repealed**

(Repealed by Acts 1978, P.L.2, SEC.2570.)

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INDIANA CODE § 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

**IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime**

Sec. 1. Except as provided under sections 2 through 5 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6; P.L.155-2011, SEC.5.

**IC 25-1-1.1-2 Version a; Suspension or revocation of license or certificate; conviction for drug related offense**

Note: This version of section amended by P.L.138-2011, SEC.6 and P.L.182-2011, SEC.6. See also following version of this section amended by P.L.155-2011, SEC.6.

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
  - (2) Possession of methamphetamine under IC 35-48-4-6.1.
  - (3) Possession of a controlled substance under IC 35-48-4-7(a).
  - (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
  - (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
  - (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
  - (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
  - (8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid as a Class D felony under IC 35-48-4-11.
  - (9) Maintaining a common nuisance under IC 35-48-4-13.
  - (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
  - (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
  - (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
  - (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).
- As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6.

**IC 25-1-1.1-2 Version b; Suspension, denial, or revocation of a license or certificate for specified convictions**

Note: This version of section amended by P.L.155-2011, SEC.6. See also preceding version of this section amended by P.L.138-2011, SEC.6 and P.L.182-2011, SEC.6.

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription

forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

(14) A sex crime under IC 35-42-4.

(15) A felony that reflects adversely on the individual's fitness to hold a professional license.

(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

*As added by P.L. 67-1990, SEC. 7. Amended by P.L. 1-1991, SEC. 162; P.L. 17-2001, SEC. 5; P.L. 151-2006, SEC. 10; P.L. 155-2011, SEC. 6.*

#### **IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses**

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

*As added by P.L. 67-1990, SEC. 8. Amended by P.L. 182-1991, SEC. 1; P.L. 17-2001, SEC. 6; P.L. 1-2002, SEC. 94; P.L. 151-2006, SEC. 11; P.L. 138-2011, SEC. 7; P.L. 182-2011, SEC. 7.*

#### **IC 25-1-1.1-4 National criminal history background check for certain licenses and certificates; release of background results; random audit**

Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the following:

(1) IC 25-2.5 (acupuncturists).

(2) IC 25-10 (chiropractors).

(3) IC 25-13 (dental hygienists).

(4) IC 25-14 (dentists).

(5) IC 25-14.5 (dietitians).

(6) IC 25-17.3 (genetic counselors).

(7) IC 25-19 (health facility and residential care facility administrators).

(8) IC 25-21.8 (massage therapists).

(9) IC 25-22.5 (physicians).

(10) IC 25-23 (nurses).

(11) IC 25-23.5 (occupational therapists).

(12) IC 25-24 (optometrists).

(13) IC 25-26 (pharmacists).

(14) IC 25-27 (physical therapists).

(15) IC 25-27.5 (physician assistants).

(16) IC 25-29 (podiatrists).

(17) IC 25-33 (psychologists).

(18) IC 25-34.5 (respiratory care practitioners).

(19) IC 25-35.6 (speech pathologists and audiologists).

(20) IC 25-38.1 (veterinarians).

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

*As added by P.L. 155-2011, SEC. 7.*

#### **IC 25-1-1.1-5 Memorandum of understanding for data exchange; use of personal information**

Sec. 5. (a) As used in this section, "licensee" refers to an individual who is licensed or certified in a profession set forth in section 4 of this chapter.

(b) As used in this section, "personal information" means information that identifies an individual, including the following:

(1) Photograph.

(2) Social Security number.

(3) Driver's license number or identification card number.

(4) Name.

(5) Address.

(6) Telephone number.

(7) Fingerprints.

(c) The state police department and the Indiana professional licensing agency shall enter into a memorandum of understanding to provide data exchange and data matching regarding licensees who are charged with or convicted of an offense.

(d) Personal information data exchanged under subsection (c) shall be kept confidential and may be used only for the purposes of a government agency, including the following:

(1) A prosecuting attorney.

(2) The Indiana professional licensing agency or a board, committee, or commission administered by the Indiana professional licensing agency.

(3) A court.

(4) A law enforcement agency.

(5) The office of the attorney general.

*As added by P.L. 155-2011, SEC. 8.*

## INDIANA CODE § 25-1-1.2

### Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

#### IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

*As added by P.L. 133-1995, SEC. 19.*

#### IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.*

#### IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 145-2006, SEC. 157.*

#### IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 18.*

#### IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

*As added by P.L. 133-1995, SEC. 19.*

#### IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

*As added by P.L. 133-1995, SEC. 19.*

#### IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their

repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 19; P.L. 1-1997, SEC. 109.*

#### IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the

arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or  
(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or  
(B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or  
(2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or  
(2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.*

#### **IC 25-1-1.2-9**

##### **Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

#### **IC 25-1-1.2-10**

##### **Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

## **INDIANA CODE § 25-1-2**

### **Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration**

#### **IC 25-1-2-1 Declaration of intent**

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

*(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.*

#### **IC 25-1-2-2**

##### **Repealed**

*(Repealed by P.L.1-1990, SEC.247.)*

#### **IC 25-1-2-2.1 Two year or longer period for certain licenses**

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Athlete agents.
- (28) Manufactured home installers.
- (29) Home inspectors.
- (30) Massage therapists.
- (31) Interior designers.
- (32) Genetic counselors.

*As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6.*

#### **IC 25-1-2-3 Authorization to issue and reissue two year licenses**

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses. *(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.*

#### **IC 25-1-2-4 Rebates and proration of fees**

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.

(Formerly: Acts 1961, c.79, s.4.)

#### **IC 25-1-2-5 Rules and regulations**

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L. 154, SEC.2.

#### **IC 25-1-2-6 Version a; Definitions; application of section; notice to licensee of need to renew**

*Note: This version of section effective until 7-1-2011. See also following version of this section, effective 7-1-2011.*

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of cosmetology and barber examiners.
- (6) Medical licensing board of Indiana.
- (7) Secretary of state.
- (8) State board of dentistry.
- (9) State board of funeral and cemetery service.
- (10) Worker's compensation board of Indiana.
- (11) Indiana state board of health facility administrators.
- (12) Committee of hearing aid dealer examiners.
- (13) Indiana state board of nursing.
- (14) Indiana optometry board.
- (15) Indiana board of pharmacy.
- (16) Indiana plumbing commission.
- (17) Board of podiatric medicine.
- (18) Private investigator and security guard licensing board.
- (19) State board of registration for professional engineers.
- (20) State psychology board.
- (21) Indiana real estate commission.
- (22) Speech-language pathology and audiology board.
- (23) Department of natural resources.
- (24) Board of chiropractic examiners.
- (25) Mining board.
- (26) Indiana board of veterinary medical examiners.
- (27) State department of health.
- (28) Indiana physical therapy committee.
- (29) Respiratory care committee.
- (30) Occupational therapy committee.
- (31) Behavioral health and human services licensing board.
- (32) Real estate appraiser licensure and certification board.
- (33) State board of registration for land surveyors.
- (34) Physician assistant committee.
- (35) Indiana dietitians certification board.
- (36) Attorney general (only for the regulation of athlete agents).

(37) Manufactured home installer licensing board.

(38) Home inspectors licensing board.

(39) State board of massage therapy.

(40) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

*As added by Acts 1981, P.L.221, SEC.1. Amended by P.L. 137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49.*

#### **IC 25-1-2-6 Version b; Definitions; application of section; notice to licensee of need to renew**

*Note: This version of section effective 7-1-2011. See also preceding version of this section, effective until 7-1-2011.*

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of cosmetology and barber examiners.
- (6) Medical licensing board of Indiana.
- (7) Secretary of state.
- (8) State board of dentistry.
- (9) State board of funeral and cemetery service.
- (10) Worker's compensation board of Indiana.
- (11) Indiana state board of health facility administrators.
- (12) Committee of hearing aid dealer examiners.
- (13) Indiana state board of nursing.
- (14) Indiana optometry board.
- (15) Indiana board of pharmacy.
- (16) Indiana plumbing commission.
- (17) Board of podiatric medicine.
- (18) Private investigator and security guard licensing board.
- (19) State board of registration for professional engineers.
- (20) State psychology board.
- (21) Indiana real estate commission.
- (22) Speech-language pathology and audiology board.
- (23) Department of natural resources.
- (24) Board of chiropractic examiners.
- (25) Mining board.
- (26) Indiana board of veterinary medical examiners.

- (27) State department of health.
- (28) Indiana physical therapy committee.
- (29) Respiratory care committee.
- (30) Occupational therapy committee.
- (31) Behavioral health and human services licensing board.
- (32) Real estate appraiser licensure and certification board.
- (33) State board of registration for land surveyors.
- (34) Physician assistant committee.
- (35) Indiana dietitians certification board.
- (36) Attorney general (only for the regulation of athlete agents).
- (37) Manufactured home installer licensing board.
- (38) Home inspectors licensing board.
- (39) State board of massage therapy.
- (40) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

(d) Notwithstanding any other law, the entities included in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

(1) Inform the individual of the following:

(A) That the individual's license has expired.

(B) Any requirements that must be met before reinstatement of a license may occur.

(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

*As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49; P.L.197-2011, SEC.73.*

#### **IC 25-1-2-7 Application of IC 25-1-2-6**

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

*As added by P.L.37-1985, SEC.56.*

#### **IC 25-1-2-8 Application of chapter; fees**

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

- IC 14-24-10
- IC 16-19-5-2
- IC 25-30-1-17
- IC 33-42-2-1.

*As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.*

#### **IC 25-1-2-9**

##### **Repealed**

*(Repealed by P.L. 194-2005, SEC. 87.)*

### **INDIANA CODE § 25-1-3**

#### **Chapter 3. Civil Immunity of Regulatory Agencies**

##### **IC 25-1-3-1 Definitions**

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

##### **IC 25-1-3-2 Extent of immunity from civil liability**

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

##### **IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings**

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

##### **IC 25-1-3-4 Regulatory boards covered**

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.

*(Formerly: Acts 1975, P.L.268, SEC.1.)*

### **INDIANA CODE § 25-1-4**

#### **Chapter 4. Continuing Education**

##### **IC 25-1-4-0.2 "Approved organization" defined**

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.



(8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).

(9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).

(10) Any other organization or individual approved by the board.

*As added by P.L.157-2006, SEC.10. Amended by P.L.2-2008, SEC.51.*

#### **IC 25-1-4-0.3 "Board"**

Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27-1).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-23.6).
- (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- (32) Indiana board of veterinary medical examiners (IC 25-38.1-2).

*As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101; P.L.84-2010, SEC.8.*

#### **IC 25-1-4-0.5 "Continuing education" defined**

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

- (1) that is approved by:
  - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
  - (B) for a real estate appraiser:
    - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title

XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or

(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

*As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.*

#### **IC 25-1-4-0.6 "Practitioner" defined**

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question.

*As added by P.L.269-2001, SEC.3.*

#### **IC 25-1-4-0.7 Computation of designated time periods**

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

- (1) a Saturday;
- (2) a Sunday;
- (3) a legal holiday under a state statute; or
- (4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

- (1) the person is personally served with the notice; or
- (2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

*As added by P.L.177-2009, SEC.12.*

#### **IC 25-1-4-1 Requirement**

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

*As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.*

#### **IC 25-1-4-2 Promotion**

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

*As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.*

#### **IC 25-1-4-3 Sworn statements of compliance; retention of copies of certificates of completion; audits**

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

- (1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.
- (2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

*As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.*

#### **IC 25-1-4-3.2 Distance learning methods**

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

*As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55.*

#### **IC 25-1-4-4 Hardship waiver**

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

- (1) Service in the armed forces of the United States during a substantial part of the renewal period.
- (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the board or agency.

*As added by P.L.88-2004, SEC.1. Amended by P.L.2-2008, SEC.56.*

#### **IC 25-1-4-5 Failure to comply; license suspension; penalties; reinstatement requirements**

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.
- (2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).
- (3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

- (1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
- (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of service of the notice.

(B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

*As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17; P.L.177-2009, SEC.13.*

#### **IC 25-1-4-6 Failure to comply; denial of license renewal; penalties**

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

*As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.*

#### **IC 25-1-4-7 Credit Hours**

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

*As added by P.L.157-2006, SEC.16.*

#### **IC 25-1-4-8 Rules**

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.157-2006, SEC.17.*

## INDIANA CODE § 25-1-5

### Chapter 5. Professional Licensing Agency

#### IC 25-1-5-1 Centralization of staff, functions, and services; purpose

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the Indiana professional licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation; and
- (2) provide more services and carry out functions of superior quality.

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.23; P.L. 206-2005, SEC. 1.*

#### IC 25-1-5-2 Definitions

Sec. 2. As used in this chapter:

- (1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.
- (2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

*As added by Acts 1981, P.L. 222, SEC. 2. Amended by P.L. 206-2005, SEC. 2.*

#### IC 25-1-5-3 Indiana professional licensing agency; functions; duties and responsibilities

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Speech-language pathology and audiology board (IC 25-35.6-2).
- (10) State psychology board (IC 25-33).
- (11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (12) Committee of hearing aid dealer examiners (IC 25-20).
- (13) Indiana physical therapy committee (IC 25-27).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Behavioral health and human services licensing board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

*As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L.206-2005, SEC.3; P.L.2-2008, SEC.57; P.L.122-2009, SEC.3; P.L.84-2010, SEC.9.*

#### IC 25-1-5-3.3 Treatment of rules adopted by health professions bureau before July 1, 2005; transfer of property and appropriations to agency; treatment of references to health professions bureau

Sec. 3.3. (a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the agency.

(b) On July 1, 2005, the agency becomes the owner of all the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the agency.

*As added by P.L.220-2011, SEC.404.*

#### IC 25-1-5-4 Additional duties and functions; staff

Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition the agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services; and
- (4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

- (1) the applicant continues to meet the minimum requirements for licensure; and
- (2) the applicant is not in violation of:
  - (A) the statute regulating the applicant's profession; or
  - (B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

- (1) not later than ten (10) days after the agency receives all required forms and evidence; or

(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.

(2) Issue the license renewal upon satisfaction of all other conditions for renewal.

(3) Issue the license renewal and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L. 206-2005, SEC. 4; P.L.177-2009, SEC.14.*

#### **IC 25-1-5-5 Executive Director**

Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint not to exceed three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees. *As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L. 206-2005, SEC. 5.*

#### **IC 25-1-5-6 Executive director; representatives; staff placement**

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L. 206-2005, SEC. 6.*

#### **IC 25-1-5-7**

##### **Repealed**

*(Repealed by P.L.186-1990, SEC.17.)*

#### **IC 25-1-5-8**

##### **Repealed**

*(Repealed by P.L. 206-2005, SEC. 15)*

#### **IC 25-1-5-9 Submission of certified document as proof of required diploma**

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting

another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.  
*As added by P.L.177-1996, SEC.1.*

#### **IC 25-1-5-10 Provider profiles**

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Speech-language pathology and audiology board (IC 25-35.6-2).
- (10) State psychology board (IC 25-33).
- (11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (12) Indiana physical therapy committee (IC 25-27).
- (13) Respiratory care committee (IC 25-34.5).
- (14) Occupational therapy committee (IC 25-23.5).
- (15) Behavioral health and human services licensing board (IC 25-23.6).
- (16) Physician assistant committee (IC 25-27.5).
- (17) Indiana athletic trainers board (IC 25-5.1-2-1).
- (18) Indiana dietitians certification board (IC 25-14.5-2-1).

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or permit expires.
- (6) The current status of the provider's license, certification, registration, or permit.
- (7) The provider's city and state of record.
- (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.211-2001, SEC.1. Amended by P.L.177-2005, SEC.45; P.L.206-2005, SEC.7; P.L.2-2008, SEC.58; P.L.122-2009, SEC.4; P.L.84-2010, SEC.10.*

#### **IC 25-1-5-11 Provision of Social Security number; access to numbers**

Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.

(b) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

*As added by P.L.157-2006, SEC.18.*

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### **INDIANA CODE § 25-1-5.5**

#### **Chapter 5.5. Electronic Registry of Professions**

##### **IC 25-1-5.5-1 Establishment of electronic registry**

Sec. 1. The electronic registry of professions is established. This chapter applies to any profession required to use the registry under this title.

*As added by P.L.177-2009, SEC.15.*

##### **IC 25-1-5.5-2**

###### **Definitions**

Sec. 2. As used in the chapter:

- (1) "Applicant" refers to a person who applies for a registration in the electronic registry of professions.
  - (2) "Executive director" refers to the executive director of the licensing agency appointed under IC 25-1-5-5.
  - (3) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.
  - (4) "Registrant" means an individual who is registered in the electronic registry of professions as an interior designer under IC 25-20.7.
  - (5) "Registry" refers to the electronic registry of professions established by section 1 of this chapter.
- As added by P.L.177-2009, SEC.15.*

##### **IC 25-1-5.5-3 Registry requirements**

Sec. 3. (a) The registry shall be maintained by the licensing agency.

(b) The registry must:

- (1) be maintained in an electronic format;
- (2) allow an applicant to electronically input information to certify, under penalty of perjury, the successful completion of any education, experience, and examination required for the applicant to become registered;
- (3) allow for payment of registration fees through only electronic means;
- (4) include each registrant's:
  - (A) name;
  - (B) city and state of residence;
  - (C) qualifications for registration;
  - (D) registration number;
  - (E) date the applicant was registered;
  - (F) place of business; and
  - (G) registration expiration date; and
- (5) be made available to the public on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

*As added by P.L.177-2009, SEC.15.*

##### **IC 25-1-5.5-4 Limitation of licensing agency's responsibilities and liability**

Sec. 4. The licensing agency is not:

- (1) responsible for performing or required to perform any due

diligence or review of the veracity of the information represented by an applicant under this chapter;

(2) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by an applicant who applies for registration under this chapter; or

(3) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by any individual who is registered under this chapter.

*As added by P.L.177-2009, SEC.15.*

#### **IC 25-1-5.5-5 Rules**

Sec. 5. The licensing agency may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.177-2009, SEC.15.*

#### **IC 25-1-5.5-6 Review of registry**

Sec. 6. (a) Beginning in July 2014, and each five (5) years thereafter, the agency shall review the use of the registry by each profession on the registry to determine whether there is sufficient use of the registry to justify continuing the registration of each profession under this chapter.

(b) If new professions are required by the general assembly to be registered by the agency, five (5) years after the addition of each profession, the agency shall review the use by the profession of the registry to determine whether there is sufficient use of the registry to justify continuing the registration of the profession under this chapter.

(c) After a review required under subsection (a) or (b), the agency shall prepare a report with recommendations for the general assembly. A report under this subsection shall be submitted to the legislative council by October 1 of the year in which the report is required. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

*As added by P.L.177-2009, SEC.15.*

### **INDIANA CODE § 25-1-6**

#### **Chapter 6. Professional Licensing Agency Functions and Duties**

##### **IC 25-1-6-1 Centralization of staff, functions, and services**

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

(1) make maximum use of data processing as a means of more efficient operation;

(2) provide more services and carry out functions of superior quality; and

(3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L.194-2005, SEC.1.*

##### **IC 25-1-6-2 Definitions**

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L.206-2005, SEC.8.*

##### **IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities**

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of cosmetology and barber examiners (IC 25-8-3-1).

(5) State board of funeral and cemetery service (IC 25-15-9).

(6) State board of registration for professional engineers (IC 25-31-1-3).

(7) Indiana plumbing commission (IC 25-28.5-1-3).

(8) Indiana real estate commission (IC 25-34.1).

(9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).

(10) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(11) State board of registration for land surveyors (IC 25-21.5-2-1).

(12) Manufactured home installer licensing board (IC 25-23.7).

(13) Home inspectors licensing board (IC 25-20.2-3-1).

(14) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L.194-2005, SEC.2; P.L.206-2005, SEC.9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6; P.L.84-2010, SEC.11; P.L.42-2011, SEC.50.*

##### **IC 25-1-6-4 Additional duties and functions; staff; requirements for renewal; delay of renewal; attorney general; investigation; sanctions; staggering renewal cycles; abandoned application**

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

(1) notice of board meetings and other communication services;

(2) record keeping of board meetings, proceedings, and actions;

(3) record keeping of all persons or individuals licensed, regulated, or certified by a board;

(4) administration of examinations; and

(5) administration of license or certificate issuance or renewal.

(b) In addition, the licensing agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and

(3) may consolidate, where feasible, office space, record keeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

(1) renew the license or certificate; and

(2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

(1) meets the minimum requirements for licensure or certification; and

(2) is not in violation of:

(A) the law regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

(3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for

good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L.194-2005, SEC.3.

#### **IC 25-1-6-5 Executive director**

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles whenever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L.194-2005, SEC.4.

#### **IC 25-1-6-5.5 Appeal of license renewal denial**

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L.194-2005, SEC.5.

#### **IC 25-1-6-6**

##### **Executive director; representatives; staff placement**

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.7.

#### **IC 25-1-6-7**

##### **Repealed**

(Repealed by P.L.186-1990, SEC.17.)

#### **IC 25-1-6-8 Version a; Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 8. (a) The licensing agency and the boards may allow the department of state revenue access to the name of each person who:

- (1) is licensed under this chapter or IC 25-1-5; or
- (2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L.2-2005, SEC.63; P.L.206-2005, SEC.10.

#### **IC 25-1-6-8 Version b; Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 8. (a) The licensing agency and the boards may allow the department of state revenue access to the name of each person who:

- (1) is licensed under this chapter or IC 25-1-5; or
- (2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency shall not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L.2-2005, SEC.63; P.L.206-2005, SEC.10; P.L.172-2011, SEC.131.

#### **IC 25-1-6-9**

##### **Repealed**

(Repealed by P.L.186-1990, SEC.17.)

#### **IC 25-1-6-10 Provision of Social Security numbers; access to numbers**

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service that provides the examination for licensure to the licensing agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L.157-2006, SEC.19.

### **INDIANA CODE § 25-1-7**

#### **Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

##### **IC 25-1-7-1 Definitions**

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) Board of chiropractic examiners (IC 25-10-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of dentistry (IC 25-14-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana state board of health facility administrators (IC 25-19-1).
- (10) Medical licensing board of Indiana (IC 25-22.5-2).
- (11) Indiana state board of nursing (IC 25-23-1).
- (12) Indiana optometry board (IC 25-24).
- (13) Indiana board of pharmacy (IC 25-26).
- (14) Indiana plumbing commission (IC 25-28.5-1-3).
- (15) Board of podiatric medicine (IC 25-29-2-1).
- (16) State psychology board (IC 25-33).
- (17) Speech-language pathology and audiology board (IC 25-35.6-2).
- (18) Indiana real estate commission (IC 25-34.1-2).
- (19) Indiana board of veterinary medical examiners (IC 25-38.1).
- (20) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (21) Respiratory care committee (IC 25-34.5).
- (22) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (23) Occupational therapy committee (IC 25-23.5).
- (24) Behavioral health and human services licensing board (IC 25-23.6).
- (25) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (26) State board of registration for land surveyors (IC 25-21.5-2-1).
- (27) Physician assistant committee (IC 25-27.5).
- (28) Indiana athletic trainers board (IC 25-5.1-2-1).



- (29) Indiana dietitians certification board (IC 25-14.5-2-1).
- (30) Indiana physical therapy committee (IC 25-27).
- (31) Manufactured home installer licensing board (IC 25-23.7).
- (32) Home inspectors licensing board (IC 25-20.2-3-1).
- (33) State department of health, for out-of-state mobile health care entities.
- (34) State board of massage therapy (IC 25-21.8-2-1).
- (35) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12; P.L.113-2010, SEC.101; P.L.42-2011, SEC.51.*

#### **IC 25-1-7-2 Duties of attorney general**

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.  
*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-3 Investigation of complaints**

Sec. 3. (a) Except as provided in subsection (b), the division is responsible for the investigation of complaints concerning licensees.

(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.149-2011, SEC.1; P.L.226-2011, SEC.17.*

#### **IC 25-1-7-4 Complaints; requisites; standing**

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-5 Duties and powers of director**

Sec. 5. (a) Subsection (b)(1) does not apply to:

- (1) a complaint filed by:
  - (A) a member of any of the boards listed in section 1 of this chapter; or
  - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

(b) Except as provided in section 3(b) of this chapter, the director has the following duties and powers:

- (1) The director shall make an initial determination as to the merit of

each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11; P.L.149-2011, SEC.2; P.L.226-2011, SEC.18.*

#### **IC 25-1-7-6 Statement of settlement; period of time to resolve**

Sec. 6. (a) This section does not apply to:

- (1) a complaint filed by:
  - (A) a member of any of the boards listed in section 1 of this chapter; or
  - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L.206-2005, SEC.12.*

#### **IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer**

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-8 Witnesses**

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-9 Disqualification of board member**

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (Repealed)).

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.*

#### **IC 25-1-7-10 Confidentiality of complaints and information**

Sec. 10. (a) Except as provided in section 3(b) of this chapter, all complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

(1) under law; or

(2) for the advancement of an investigation.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167; P.L.149-2011, SEC.3; P.L.226-2011, SEC.19.*

#### **IC 25-1-7-11 Administrative orders and procedures**

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.*

#### **IC 25-1-7-12 Reimbursement of attorney general**

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

*As added by P.L.255-1987, SEC.1.*

#### **IC 25-1-7-13 Reports; contents**

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

(1) The number of complaints filed.

(2) The number of cases currently under investigation.

(3) The number of cases closed.

(4) The number of cases resolved.

(5) The age of the complaints.

*As added by P.L.177-1997, SEC.1.*

#### **IC 25-1-7-14 Cease and desist orders**

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that person is engaged in activities that may affect an individual's health or safety; a motion for a cease and desist order with the appropriate board.

For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

*As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9.*

### **INDIANA CODE § 25-1-8**

#### **Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees**

##### **IC 25-1-8-1 "Board"**

Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) Board of chiropractic examiners (IC 25-10-1).

(5) State board of cosmetology and barber examiners (IC 25-8-3-1).

(6) State board of dentistry (IC 25-14-1).

(7) State board of funeral and cemetery service (IC 25-15).

(8) State board of registration for professional engineers (IC 25-31-1-3).

(9) Indiana state board of health facility administrators (IC 25-19-1).

(10) Medical licensing board of Indiana (IC 25-22.5-2).

(11) Mining board (IC 22-10-1.5-2).

(12) Indiana state board of nursing (IC 25-23-1).

(13) Indiana optometry board (IC 25-24).

- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) State psychology board (IC 25-33).
- (17) Speech-language pathology and audiology board (IC 25-35.6-2).
- (18) Indiana real estate commission (IC 25-34.1-2-1).
- (19) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (20) Department of insurance (IC 27-1).
- (21) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (23) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (24) Occupational therapy committee (IC 25-23.5-2-1).
- (25) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (27) State board of registration for land surveyors (IC 25-21.5-2-1).
- (28) Physician assistant committee (IC 25-27.5).
- (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- (30) Board of podiatric medicine (IC 25-29-2-1).
- (31) Indiana dietitians certification board (IC 25-14.5-2-1).
- (32) Indiana physical therapy committee (IC 25-27).
- (33) Manufactured home installer licensing board (IC 25-23.7).
- (34) Home inspectors licensing board (IC 25-20.2-3-1).
- (35) State board of massage therapy (IC 25-21.8-2-1).
- (36) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14; P.L.113-2010, SEC.102; P.L.42-2011, SEC.52.*

#### **IC 25-1-8-1.1**

##### **Repealed**

*(Repealed by P.L.19-1986, SEC.43.)*

#### **IC 25-1-8-2 Fees; establishment and collection**

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than twenty-five dollars (\$25) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

*As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.*

#### **IC 25-1-8-3 Quadrennial license or registration cycle; refunds**

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

*As added by Acts 1982, P.L.113, SEC.14.*

#### **IC 25-1-8-4 Quadrennial license renewal system**

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

*As added by P.L.234-1983, SEC.3.*

#### **IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review**

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

*As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.*

#### **IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses**

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC

25-4-1-2).

- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-

1-3).

- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-

1).

- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-

30-1-5.2).

- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-

34.1-8).

- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-

23.6).

- (31) Speech-language pathology and audiology board (IC 25-35.6-

2).

- (32) Indiana board of veterinary medical examiners (IC 25-38.1).
- (33) State board of massage therapy (IC 25-21.8-2-1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board

under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3)

years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

*As added by P.L.269-2001, SEC.5. Amended by P.L.206-2005, SEC.13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104; P.L.84-2010, SEC.15.*

#### **IC 25-1-8-7**

##### **Repealed**

*(Repealed by P.L.157-2006, SEC.76.)*

#### **IC 25-1-8-8 License reinstatement; grounds for denial**

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.
- (2) Reinstate the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.
- (3) Reinstate the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing,

the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
- (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
- (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

*As added by P.L.197-2007, SEC.21.*

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## INDIANA CODE § 25-1-9

### Chapter 9. Health Professions Standards of Practice

#### IC 25-1-9-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Speech-language pathology and audiology board (IC 25-35.6-2).
- (10) State psychology board (IC 25-33).
- (11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (12) Indiana physical therapy committee (IC 25-27-1).
- (13) Respiratory care committee (IC 25-34.5).
- (14) Occupational therapy committee (IC 25-23.5).
- (15) Behavioral health and human services licensing board (IC 25-23.6).
- (16) Physician assistant committee (IC 25-27.5).
- (17) Indiana athletic trainers board (IC 25-5.1-2-1).
- (18) Indiana dietitians certification board (IC 25-14.5-2-1).

*As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997, SEC.6; P.L.147-1997, SEC.10; P.L.84-1998, SEC.5; P.L.24-1999, SEC.6; P.L.2-2008, SEC.59; P.L.122-2009, SEC.8; P.L.84-2010, SEC.16.*

#### IC 25-1-9-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

*As added by P.L.152-1988, SEC.1.*

#### IC 25-1-9-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L.152-1988, SEC.1.*

#### IC 25-1-9-3.5 "Sexual contact" defined

Sec. 3.5. As used in this chapter, "sexual contact" means:

- (1) sexual intercourse (as defined in IC 35-41-1-26);
- (2) deviate sexual conduct (as defined in IC 35-41-1-9); or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

*As added by P.L.200-2001, SEC.1.*

#### IC 25-1-9-4 Standards of professional practice; findings required for sanctions; evidence of foreign discipline

Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a license examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities;
  - (C) advertised services in a false or misleading manner; or
  - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:
    - (i) Medicaid (42 U.S.C. 1396 et seq.);
    - (ii) Medicare (42 U.S.C. 1395 et seq.);
    - (iii) the children's health insurance program under IC 12-17.6; or
    - (iv) insurance claims;
- (2) a practitioner has been convicted of a crime that
  - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
  - (B) is harmful to the public;
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence that:
    - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
    - (ii) does not include activities performed under IC 16-21-2-9;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has diverted:
  - (A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; or

(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

*As added by P.L.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001, SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96; P.L.197-2007, SEC.22.*

#### **IC 25-1-9-5 Optometry employment practice**

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

(1) a corporation formed by an optometrist under IC 23-1.5; or

(2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

*As added by P.L.152-1988, SEC.1.*

#### **IC 25-1-9-6 Veterinary practitioners; cruelty to animals**

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.

*As added by P.L.152-1988, SEC.1.*

#### **IC 25-1-9-6.5 Chiropractors; waiver of deductible or copayment**

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

(1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and

(2) advertised the waiver of a payment described in subdivision (1).

(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

(1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;

(2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and

(3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

*As added by P.L.151-1989, SEC.9.*

#### **IC 25-1-9-6.7 Marriage and family therapists; disciplinary sanctions**

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

(1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;

(2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;

(3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;

(4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:

(A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;

(B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or

(C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;

(5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:

(A) make or file a false report or record; or

(B) impede or obstruct the filing of a report or record; or

(6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));

(7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;

(8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or

(9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

*As added by P.L.147-1997, SEC.11. Amended by P.L.2-1998, SEC.65.*

#### **IC 25-1-9-6.8 Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders**

Sec. 6.8. (a) This section applies to a practitioner who is:

(1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or

(2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

*As added by P.L.107-2002, SEC.28.*

**IC 25-1-9-6.9 Failing to provide or providing false information to agency**

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) failed to provide information requested by the Indiana professional licensing agency; or
- (2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

*As added by P.L.211-2001, SEC.2. Amended by P.L. 206-2005, SEC. 14.*

**IC 25-1-9-7 Physical or mental examination; power to require**

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

*As added by P.L.152-1988, SEC.1. Amended by P.L. 158-2003, SEC.2.*

**IC 25-1-9-8 Failure to submit to physical or mental examination; sanctions**

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

*As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-9 Disciplinary sanctions**

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
  - (A) report regularly to the board upon the matters that are the basis of probation;
  - (B) limit practice to those areas prescribed by the board;
  - (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
  - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

- (6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

*As added by P.L.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.*

**IC 25-1-9-10 Summary license suspension pending final adjudication; notice; opportunity to be heard**

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 25-22.5, IC 25-38.1, or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

- (1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and
- (2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

*As added by P.L.152-1988, SEC.1. Amended by P.L.43-1995, SEC.2; P.L.71-2000, SEC.18; P.L.2-2008, SEC.60.*

**IC 25-1-9-10.1 Retention of clinical consultants and experts to advise on suspension**

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.

*As added by P.L.43-1995, SEC.3.*

**IC 25-1-9-11 Reinstatement of suspended licenses**

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-12 Reinstatement of revoked license**

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-13 Consistency of sanctions prescribed**

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-14 Surrender of practitioners license instead of hearing; approval**

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license. *As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-15 Costs in disciplinary proceedings**

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photoduplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

*As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.3.*

**IC 25-1-9-16 Refusal of licensure or grant of probationary license**

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has been disciplined by a licensing entity of any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11; P.L.197-2007, SEC.23.*

**IC 25-1-9-17 Applicant appearance before board**

Sec. 17. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L.33-1993, SEC.16. Amended by P.L.84-2010, SEC.17.*

**IC 25-1-9-18 Fitness determination of health care provider; filing complaint**

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

- (1) the practitioner has become unfit to practice under section 4 of this chapter; and
- (2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

- (1) for informal negotiation under IC 25-1-7-6;
- (2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or
- (3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

*As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.*

**IC 25-1-9-19 Third party billing notice**

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and
- (3) is not accompanied by a return mailing envelope.

*As added by P.L.178-2003, SEC.12.*

**IC 25-1-9-20 Adoption of rules; spouses of active duty military personnel**

Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

*As added by P.L.144-2007, SEC.25.*

**IC 25-1-9-21 Rules; management and disposition of health records**

Sec. 21. The board may adopt rules under IC 4-22-2 to establish requirements for the management and disposition of health records (as defined in IC 16-18-2-168) on the discontinuation of practice by:

- (1) sale;
- (2) transfer;
- (3) closure;
- (4) disciplinary action;
- (5) retirement; or
- (6) death; of the practitioner.

*As added by P.L.177-2009, SEC.16.*



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INDIANA CODE § 25-1-10

Chapter 10. Reserved

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INDIANA CODE § 25-1-12

Chapter 12. Renewal of Licenses Held by Individuals  
in Military Service

**IC 25-1-12-1 Applicability of chapter**

Sec. 1. (a) This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
- (2) is called to active duty.

(b) This chapter applies to all individuals who:

- (1) hold a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and
- (2) have been called to full-time service in the:
  - (A) armed forces of the United States; or
  - (B) National Guard;after September 11, 2001.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61; P.L.220-2011, SEC.405.*

**IC 25-1-12-2 "Active duty" defined**

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.  
*As added by P.L.88-2004, SEC.2.*

**IC 25-1-12-3 "Armed forces of the United States" defined**

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or
- (6) the merchant marine.

*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.*

**IC 25-1-12-4 "National guard" defined**

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

*As added by P.L.88-2004, SEC.2.*

**IC 25-1-12-5 "Practitioner" defined**

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title, IC 16, or IC 22.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.*

**IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions**

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

(1) renew; and

(2) complete the continuing education required by; the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.

(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.

(3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:

(A) discharge; or

(B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.*

**IC 25-1-12-7 Waiver of late fees**

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

*As added by P.L.88-2004, SEC.2.*

**IC 25-1-12-8 Construction with federal law**

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
- (2) the national guard;

under federal law.

*As added by P.L.88-2004, SEC.2.*

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INDIANA CODE § 25-1-13

Chapter 13. Indiana Scheduled Prescription Electronic Collection  
and Tracking Program

**IC 25-1-13-1 Effective date**

Sec. 1. This chapter applies after June 30, 2007.

*As added by P.L.65-2006, SEC.1.*

**IC 25-1-13-2 "Agency"**

Sec. 2. As used in this chapter, "agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.  
*As added by P.L.65-2006, SEC.1.*

**IC 25-1-13-3 "INSPECT"**

Sec. 3. As used in this chapter, "INSPECT" refers to the Indiana scheduled prescription electronic collection and tracking program established by section 4 of this chapter.  
*As added by P.L.65-2006, SEC.1.*

**IC 25-1-13-4 Establishment of the Indiana scheduled prescription electronic collection and tracking program**

Sec. 4. The Indiana scheduled prescription electronic collection and tracking program is established within the agency.  
*As added by P.L.65-2006, SEC.1.*

**IC 25-1-13-5 Agency functions, duties, and responsibilities**

Sec. 5. The agency shall perform all administrative functions, duties, and responsibilities for the INSPECT program.  
*As added by P.L.65-2006, SEC.1.*

**IC 25-1-13-6 INSPECT program duties**

Sec. 6. The INSPECT program shall collect and process information received under IC 35-48-7-8.1 and has duties described in IC 35-48-7-10.1 and IC 35-48-7-11.1.  
*As added by P.L.65-2006, SEC.1.*

**INDIANA CODE § 25-1-14****Chapter 14. Meetings****IC 25-1-14-1 Applicability**

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.  
*As added by P.L.179-2007, SEC.14.*

**IC 25-1-14-2 Participation by member not physically present at meeting**

Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

- (1) except as provided in subsection (b), at which at least a quorum is physically present at the place where the meeting is conducted; and
- (2) by using a means of communication that permits:
  - (A) all other members participating in the meeting; and
  - (B) all members of the public physically present at the place where the meeting is conducted; to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

- (1) all other members participating in the meeting; and
- (2) all members of the public physically present at the place where the meeting is conducted; to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b):

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

*As added by P.L.179-2007, SEC.14. Amended by P.L.105-2008, SEC.3; P.L.160-2009, SEC.11; P.L.113-2010, SEC.104.*

**IC 25-1-14-3 Member considered present**

Sec. 3. A member who participates in a meeting under section 2 of this chapter:

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

*As added by P.L.179-2007, SEC.14.*

**IC 25-1-14-4 Meeting memoranda requirements**

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

- (1) each member who was physically present at the place where the meeting was conducted;
- (2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and
- (3) each member who was absent.

*As added by P.L.179-2007, SEC.14.*

**INDIANA CODE § 25-1-15****Chapter 15. Exemptions for Athletic Organization Practitioners Licensed in Other Jurisdictions****IC 25-1-15-1 License**

Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.  
*As added by P.L.177-2009, SEC.18.*

**IC 25-1-15-2 Practitioner**

Sec. 2. As used in this chapter, "practitioner" refers to any of the following:

- (1) Athletic trainer.
- (2) Chiropractor.
- (3) Dentist.
- (4) Dietitian.
- (5) Marriage and family therapist.
- (6) Massage therapist.
- (7) Mental health counselor.
- (8) Nurse.
- (9) Occupational therapist.
- (10) Optometrist.
- (11) Physical therapist.
- (12) Physician.
- (13) Physician assistant.
- (14) Podiatrist.
- (15) Psychologist.
- (16) Respiratory care practitioner.
- (17) Social worker.

*As added by P.L.177-2009, SEC.18.*

**IC 25-1-15-3 Exemption**

Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:

- (1) holds an active license to practice the profession in question in the other jurisdiction;
- (2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and
- (3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.

(b) A practitioner's practice under this section is limited to the

members, coaches, and staff of the athletic or sports organization that employs or designates the practitioner.

(c) A practitioner practicing in Indiana under the authority of this section:

(1) does not have practice privileges in any licensed hospital or health care facility; and

(2) is not authorized to issue orders or prescriptions or to order testing at a medical facility; in Indiana.

(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.

*As added by P.L.177-2009, SEC.18.*

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#### **Non-Code Provision under Public Law 206-2005**

##### **P.L. 206-2005, SECTION 16**

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

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#### **Non-Code Provision under Public Law 177-2009**

##### **P.L. 177-2009, SECTION 66.**

(a) As used in this SECTION, "board" means a board, commission, or committee.

(b) As used in this SECTION, "committee" refers to the professional licensing study committee established under this SECTION.

(c) The professional licensing study committee is established.

(d) The committee shall do the following:

(1) Study all of the boards that regulate occupations or professions under the Indiana professional licensing agency or the state department of health.

(2) Make recommendations concerning any changes that should be made to a board described under subdivision (1) or the regulation of a profession or occupation by a board described under subdivision

(1), including the following recommendations:

(A) Eliminating the board.

(B) Having the board continue regulating the profession or occupation in the same manner that the profession or occupation is currently regulated by the board.

(C) Requiring registration of a profession or occupation through the electronic registry of professions under IC 25-1-5.5, as added by this act.

(D) Requiring national certification or registration of a profession or occupation.

(E) Restructuring the board.

(F) Merging two (2) or more boards.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) Before November 1, 2009, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires December 31, 2009.

## INDIANA CODE § 4-6-14

### Chapter 6 Health Records and Identifying Information Protection

#### IC 4-6-14-1 "Abandoned"

Sec. 1. As used in this chapter, "abandoned" means voluntarily surrendered, relinquished, or disclaimed by the health care provider or regulated professional, with no intention of reclaiming or regaining possession.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-2 "Health care provider"

Sec. 2. As used in this chapter, "health care provider" means:

(1) a person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11); or

(2) a person licensed, certified, registered, or regulated by a board listed in IC 25-1-9-1.

*As added by P.L.84-2010, SEC.1. Amended by P.L.226-2011, SEC.1.*

#### IC 4-6-14-3 "Personal information"

Sec. 3. As used in this chapter, "personal information" has the meaning set forth in IC 24-4.9-2-10.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-4 "Regulated professional"

Sec. 4. As used in this chapter, "regulated professional" means an individual who is regulated by a board listed under IC 25-1-11-1.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-5 Attorney general's powers

Sec. 5. The attorney general may do the following with abandoned health records and other records that contain personal information:

- (1) Take possession of.
- (2) Store.
- (3) Maintain.
- (4) Transfer.
- (5) Protect.
- (6) Destroy, subject to the limitations in sections 8(b) and 9(b) of this chapter.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-6 Determination of abandonment

Sec. 6. (a) Before taking any action described in section 5 of this chapter, the attorney general shall determine whether a health care provider or regulated professional has abandoned health records or records containing personal information.

(b) A determination of abandonment under this section may only be used for the purpose of taking an action described in this chapter. However, a subsequent enforcement action may take place under a state or federal law based on proof of facts that may have contributed to the determination of abandonment if the facts are proved in a subsequent enforcement action.

(c) An investigation to make a determination of abandonment under this section must be conducted under the attorney general's authority under existing state and federal law. Nothing in this chapter shall be construed to create new authority for a subpoena or search warrant.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-7 Notification

Sec. 7. (a) The attorney general shall make reasonable efforts to notify the patients and those individuals identified in:

- (1) health records; or
- (2) records or documents that contain personal information;

that the attorney general has taken possession of the records or documents. The notice in this subsection must include information about the procedure for either obtaining originals or copies of the records or having the original records sent to a duly authorized subsequent treating health care provider.

(b) Unless prohibited by law, the attorney general may also notify other persons, including professional organizations, hospitals, law enforcement agencies, and government units, who:

(1) may be able to assist in notifying persons whose records were abandoned and secured by the attorney general under this chapter; and

(2) when appropriate, may be able to assist in returning the records to those persons.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-8 Length of time health records must be maintained; destruction of records

Sec. 8. (a) The attorney general shall maintain health records obtained under section 5 of this chapter for the lesser of the following:

(1) The time required under IC 16-39-7-1 and IC 16-39-7-2.

(2) Three (3) years after the date the records are secured.

(b) When the time expires under subsection (a), the attorney general may destroy the health records obtained under section 5 of this chapter.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-9 Length of time personal information records must be maintained; destruction of records

Sec. 9. (a) The attorney general shall maintain records that are not health records but contain personal information for at least three (3) years after the date the records are seized or secured.

(b) When the time expires under subsection (a) and after notification under section 7 of this chapter, the attorney general may destroy the records that contain personal information.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-10 Health records and personal identifying information protection trust fund

Sec. 10. (a) The health records and personal identifying information protection trust fund is established for the purpose of paying storage, maintenance, copying, mailing, and transfer of:

(1) health records; and

(2) records containing personal information;

as required under this chapter. Expenditures from the trust fund may be made only to carry out the purposes of this subsection.

(b) Subject to subsection (c), if a health care provider or a regulated professional is disciplined under IC 25-1-9 or IC 25-1-11, the board that issues the disciplinary order shall impose a fee against the individual of five dollars (\$5). The fee must be deposited into the health records and personal identifying information protection trust fund.

(c) If the amount in the health records and personal identifying information protection trust fund exceeds seventy-five thousand dollars (\$75,000), the fee imposed under subsection (b) may not be imposed on an individual who is subject to a disciplinary order.

(d) The attorney general shall administer the trust fund.

(e) The expenses of administering the trust fund shall be paid from the money in the fund.

(f) The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

*As added by P.L.84-2010, SEC.1.*

#### IC 4-6-14-11 Immunity

Sec. 11. The attorney general is immune from civil liability for

destroying or failing to maintain custody and control of any record obtained under this chapter.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-12 Cooperation with other agencies**

Sec. 12. The following may cooperate with the attorney general's office to implement this chapter:

(1) The Indiana professional licensing agency and the appropriate board that regulates a health care provider or a regulated professional under IC 25.

(2) The state police department.

(3) A prosecuting attorney.

(4) Local law enforcement agencies.

(5) Federal law enforcement agencies.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-13 Rules**

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that are necessary to administer and implement this chapter.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-14 Judicial review**

Sec. 14. A determination by the attorney general that health records or other records that contain personal information have been abandoned is subject to review in a circuit or superior court. A person who seeks to enforce this section must first notify the attorney general of the intention to seek judicial review.

*As added by P.L.84-2010, SEC.1.*

#### **IC 4-6-14-15 Funding**

Sec. 15. The attorney general may pay for the administration of this chapter only from funds currently appropriated to the office of the attorney general.

*As added by P.L.84-2010, SEC.1.*

## TITLE 845. BOARD OF PODIATRIC MEDICINE

### ARTICLE 9. PODIATRISTS

#### Rule 1. Definitions

##### 845 IAC 1-1-1 Definitions

**Authority:** IC 25-29-2-11

**Affected:** IC 25-1-5-3; IC 25-29-1-16

Sec. 1. The following definitions apply throughout this title:

- (1) "Board" means the board of podiatric medicine.
  - (2) "Bureau" means the health professions bureau established by IC 25-1-5-3.
  - (3) "Diagnosis" means the examination of a patient, parts of a patient's body, or materials taken or removed from a patient's body, or materials produced by a patient's body, to determine the source or nature of a disease or other physical or mental condition relating to ailments of the human foot.
  - (4) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of man or woman which are recognized in the Physician's Desk Reference, 47th Edition, 1993, or otherwise established as a drug or medicine, by federal or state law. The term shall include local anesthetics as defined in subdivision (5).
  - (5) "Local anesthetics" means a drug or gas that produces a partial or total loss of the sense of pain or touch that is limited in use to an area of the body around the site of its application and is induced to permit performance of a surgical procedure.
  - (6) "Mechanical treatment of ailments of the human foot" means to prescribe, direct, order, or designate the use of, or manner of using an orthotic, orthotic device, orthosis, prosthetic device, prosthesis, or casting of the foot for devices or custom shoes for corrective treatment. The casting of the feet for orthoses, appliances, braces, and custom shoes may be permitted on the prescription of a practitioner licensed to do so in Indiana. It is not the intent of this article to prohibit the sale of noncustom built shoes or inserts that are commonly sold by merchants in commercial establishments.
  - (7) "Medical treatment of ailments of the human foot" means to prescribe, direct, order, or designate the use of, or manner of using, a drug, medicine, or treatment by spoken or written words or other means, except for the systematic or regular, continuous, long term treatment of systemic diseases affecting the human foot and the administration of general anesthesia.
  - (8) "Surgical treatment of ailments of the human foot" means the incision, excision, or disarticulation of parts of the foot and related structures to treat a disease, deformity, or ailment of the foot, excluding the amputation of an entire foot. A podiatrist may disarticulate an entire toe if performed according to IC 25-29-1-16.
- (Board of Podiatric Medicine; 845 IAC 1-1-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1529; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2723; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1281; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-1-1) to the Board of Podiatric Medicine (845 IAC 1-1-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

#### Rule 2. Accreditation of Schools (Repealed)

(Repealed by Board of Podiatric Medicine; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285)

#### Rule 3. Admission to Practice

##### 845 IAC 1-3-1 Licensure by endorsement

**Authority:** IC 25-29-2-11

**Affected:** IC 25-29-4; IC 25-29-5-1

Sec. 1. (a) The board may issue a license by endorsement to an applicant who:

- (1) submits an application upon oath or affirmation in proper form;
- (2) submits the fee specified in 845 IAC 1-6-8;
- (3) presents satisfactory evidence that he or she has not been the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;
- (4) presents satisfactory evidence that he or she does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;
- (5) is a graduate of a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;
- (6) submits a certified copy of a current license in good standing in any state, territory, or possession of the United States;
- (7) submits examination scores from the state from which the applicant is endorsing and presents satisfactory evidence that the examination is equivalent to the examination given under IC 25-29-4;
- (8) submits official notice from the National Board of Podiatry Examiners that the applicant has passed all areas of the examination given by the National Board of Podiatry Examiners;
- (9) submits a statement from the board in each state where the applicant is licensed, or has been licensed, certifying whether his or her license has been the subject of any final or pending disciplinary action;
- (10) submits proof of being in the practice of podiatric medicine for five (5) years in another state;
- (11) submits evidence of proper medical malpractice insurance;
- (12) submits proof of completion of a progressive graduate podiatric medical education training program that is at least twelve (12) months in length and meets the requirements of the Council on Podiatric Medical Education; and
- (13) meets all other minimum requirements specified in IC 25-29-5.

(b) According to IC 25-29-5-1(b)(2), if ten (10) years have elapsed since passing a medical licensing examination, the board may require an applicant to submit to the examination approved by the board.

(Board of Podiatric Medicine; 845 IAC 1-3-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1530; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2724; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1281; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 526; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-3-1) to the Board of Podiatric Medicine (845 IAC 1-3-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

##### 845 IAC 1-3-2 Licensure by examination

**Authority:** IC 25-29-2-11

**Affected:** IC 25-29-3; IC 25-29-4

Sec. 2. (a) The board may issue a license by examination to an applicant who:

- (1) submits an application upon oath or affirmation in proper form;
- (2) submits the fee specified in 845 IAC 1-6-8;
- (3) presents satisfactory evidence that he or she has not been the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;

- (4) presents satisfactory evidence that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;
- (5) is a graduate of a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;
- (6) submits official transcripts from the National Board of Podiatry Examiners certifying applicant's passing scores in all areas of the National Board of Podiatry Examiners examination;
- (7) successfully completes, under IC 25-29-4, an examination provided by the board;
- (8) submits proof of proper medical malpractice insurance within thirty (30) days of licensure;
- (9) submits proof of completion of a progressive graduate podiatric medical education training program that is at least twelve (12) months in length and meets the requirements of the Council on Podiatric Medical Education; and
- (10) meets all other minimum requirements specified in IC 25-29-3.

(b) An applicant who fails the examination given by the committee may be reexamined at least once within six (6) months of any such failure or denial. A candidate who has not passed every section of the examination may retake the examination on a regularly scheduled examination date. If a candidate has failed more than one (1) section of the examination or if a candidate fails any section three (3) times, the committee shall reexamine the candidate on all sections of the examination. If a candidate has failed only one (1) section of the examination but retakes the remaining failed section(s) of the examination on its next regularly scheduled date, the committee shall give the candidate credit for the section(s) which the candidate previously passed. Otherwise, the committee may not give credit to a candidate who passes less than all of the sections of the examination.

(c) An applicant who has failed the examination provided by the committee three (3) times shall not be allowed to retake the examination until such time as the applicant provides evidence of an additional one (1) year of postgraduate training in a program approved by the committee.

(d) The deadline for making any application for the examination provided by the committee shall be sixty (60) days prior to the examination date, except that where such dates are Saturday, Sunday, or a legal holiday, the deadline shall be the next business day immediately following such date.

*(Board of Podiatric Medicine; 845 IAC 1-3-2; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1530; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2725; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1282; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 526; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA)*

*NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-3-2) to the Board of Podiatric Medicine (845 IAC 1-3-2) by P.L. 33-1993, SECTION 76, effective July 1, 1993*

#### **845 IAC 1-3-3 Progressive graduate podiatric medical training defined**

**Authority: IC 25-29-2-11**

**Affected: IC 25-29-3-1; IC 25-29-3-2; IC 25-29-5-1**

Sec. 3. (a) As used in IC 25-29-3-1(4), "satisfactorily completed at least twelve (12) months of progressive graduate podiatric medical training" means completion of an established residency program that is no less than twelve (12) months in duration.

(b) An applicant who has enrolled in a twenty-four (24) month residency program must complete the entire residency program before becoming eligible for licensure under IC 25-29-3-1 and IC 25-29-5-1. *(Board of Podiatric Medicine; 845 IAC 1-3-3; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA)*

#### **Rule 4. License Renewal (Repealed)**

*(Repealed by Board of Podiatric Medicine; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285; errata filed Feb 21, 1995, 2:15 p.m.: 18 IR 1837)*

#### **Rule 4.1. License Renewal**

##### **845 IAC 1-4.1-1 Mandatory renewal; time**

**Authority: IC 25-29-2-11**

**Affected: IC 25-29-6**

Sec. 1. Every podiatrist holding a license issued by the board shall renew such license with the board every two (2) years.

*(Board of Podiatric Medicine; 845 IAC 1-4.1-1; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA)*

##### **845 IAC 1-4.1-2 Mandatory renewal; notice**

**Authority: IC 25-29-2-11**

**Affected: IC 25-29-6**

Sec. 2. On or before April 30 every two (2) years, the board, or its duly authorized agent, shall notify each licensee that the licensee is required to renew with the board. The board, or its agent, shall furnish a licensee a form to be completed for renewal.

*(Board of Podiatric Medicine; 845 IAC 1-4.1-2; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA)*

##### **845 IAC 1-4.1-3 Mandatory renewal; oath**

**Authority: IC 25-29-2-11**

**Affected: IC 25-29-6**

Sec. 3. Applications for all renewals must be made under oath or affirmation.

*(Board of Podiatric Medicine; 845 IAC 1-4.1-3; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)*

##### **845 IAC 1-4.1-4 Mandatory renewal; fees (Repealed)**

Sec. 4. *(Repealed by Board of Podiatric Medicine; filed Oct 6, 2003, 4:45 p.m.: 27 IR 528)*

##### **845 IAC 1-4.1-5 Delinquent renewal (Expired)**

Sec. 5. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

##### **845 IAC 1-4.1-6 Address; change of name**

**Authority: IC 25-29-2-11**

**Affected: IC 25-29-6**

Sec. 6. (a) Each licensee shall inform the board, in writing, of all changes in address or name within fifteen (15) days of the change.

(b) A licensee's failure to receive notification of renewal due to failure to notify the board of a change of address or name shall not constitute an error on the part of the board or the bureau, nor shall it exonerate or otherwise excuse the licensee from renewing such license.

*(Board of Podiatric Medicine; 845 IAC 1-4.1-6; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)*

##### **845 IAC 1-4.1-7 Inactive status**

**Authority: IC 25-29-2-11**

**Affected: IC 25-29-6**

Sec. 7. Any podiatrist who has retired from practice and wants to retain his or her license may do so for half of the usual renewal fee as required by 845 IAC 1-6-9, provided that he or she does not maintain an office for the practice of podiatric medicine

and does not charge for any podiatric medical services that he or she might render. A podiatrist whose license is inactive may submit a written request to the board of podiatric medicine to reinstate his or her license by paying the full renewal fee. (*Board of Podiatric Medicine; 845 IAC 1-4.1-7; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*)

## **Rule 5. Continuing Education**

### **845 IAC 1-5-1 Credit hours required**

**Authority:** IC 25-29-2-11

**Affected:** IC 25-29-6-4

Sec. 1. (a) A licensee who renews a license as a podiatrist shall complete no less than thirty (30) hours of continuing podiatric medical education in courses or programs approved by any of the approved sponsors found in 845 IAC 1-5-3 [section 3 of this rule] in each two (2) year renewal period.

(b) A podiatrist is not required to complete continuing education requirements for the year in which the initial license is issued.

(c) Continuing podiatric medical education acquired in any area other than podiatric medicine will not be accepted.

(d) Continuing education credit units or clock hours must be obtained within the renewal period and may not be carried over from one (1) licensure period to another.

(e) The continuing education requirement shall not be increased or decreased until this section is duly amended and all licensees are notified in writing at the date of their license renewal that the subsequent renewal will require an increased or decreased number of hours.

(*Board of Podiatric Medicine; 845 IAC 1-5-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2725; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-5-1) to the Board of Podiatric Medicine (845 IAC 1-5-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

### **845 IAC 1-5-2 Reporting credit (Repealed)**

Sec. 2. (*Repealed by Board of Podiatric Medicine; filed Oct 6, 2003, 4:45 p.m.: 27 IR 525*)

### **845 IAC 1-5-2.1 Reporting continuing education credit; audit**

**Authority:** IC 25-29-2-11; IC 25-1-4-3

**Affected:** IC 25-29-6-4

Sec. 2.1. (a) The licensee shall provide the board with a sworn statement signed by the licensee that the licensee has fulfilled the continuing education requirements required by the board.

(b) The licensee shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The licensee shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the licensees required to take continuing education courses.

(*Board of Podiatric Medicine; 845 IAC 1-5-2.1; filed Oct 6, 2003, 4:45 p.m.: 27 IR 525; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*)

### **845 IAC 1-5-3 Approval of continuing education programs**

**Authority:** IC 25-29-2-11

**Affected:** IC 25-29-6-4

Sec. 3. To receive credit for continuing education programs, the program must be sponsored, accredited, or approved by any of the following organizations:

- (1) American Association of Podiatric Physicians and Surgeons.
- (2) American Medical Association (programs related to podiatric medicine).
- (3) American Society of Podiatric Dermatology.
- (4) American Society of Podiatric Medicine.
- (5) Council on Podiatric Medical Education.
- (6) American Podiatric Medical Association.
- (7) A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organizations listed in subdivisions (1) through (6).
- (8) Any of the colleges of podiatric medicine accredited by the Council on Podiatric Medical Education.
- (9) A federal, state, or local government agency that coordinates or presents continuing education programs related to podiatric medicine.

(*Board of Podiatric Medicine; 845 IAC 1-5-3; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2726; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1284; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 528; filed Apr 18, 2005, 2:30 p.m.: 28 IR 2716*)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-5-3) to the Board of Podiatric Medicine (845 IAC 1-5-3) by P.L.33-1993, SECTION 76, effective July 1, 1993.

## **Rule 6. Standards of Professional Conduct**

### **845 IAC 1-6-1 Standards of professional conduct and practice**

**Authority:** IC 25-29-1-3

**Affected:** IC 25-29

Sec. 1. A podiatrist shall: (a) Maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's diagnosis, treatment and prognosis, and of all records relating thereto, about which the podiatrist may learn or otherwise be informed during the course of, or as a result of, the patient-practitioner relationship. Information about a patient shall be disclosed by a podiatrist when required by law, including, but not limited to, the requirements of IC 34-4-12.6-1 [IC 34-4 was repealed by P.L.1-1998, SECTION 221, effective July 1, 1998.], and IC 16-4-8-1 [IC 16-4 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.], and any amendments thereto, or when authorized by the patient or those responsible for the patient's care.

(b) Give a truthful, candid and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care, except where a podiatrist reasonably determines that the information is or would be detrimental to the physical or mental health of the patient, or in the case of a minor or incompetent person, except where a practitioner reasonably determines that the information is or would be detrimental to the physical or mental health of those responsible for the patient's care.

(c) Give reasonable written notice to a patient or to those responsible for the patient's care when the podiatrist withdraws from a case so that another practitioner may be employed by the patient or by those responsible for the patient's care. A podiatrist shall not abandon a patient. A podiatrist who withdraws from a case, except in emergency circumstances, shall, upon written request, and in conformity with the provisions of IC 16-4-8-1 [IC 16-4 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.] through IC 16-4-11 [IC 16-4 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.], and of any subsequent amendment or revision of said statute, make available to his patient or to those responsible for the patient's care, all records, test results, histories, x-rays, radiographic studies, diagnoses, files and



information relating to said patient which are in the podiatrist's custody, possession or control, or copies of such documents.

(d) Exercise reasonable care and diligence in the treatment of patients based upon generally accepted and approved scientific principles, methods, treatments, and current professional theory and practice.

(e) Not represent, advertise, state or indicate the possession of any degree recognized as the basis for licensure to practice podiatric medicine and surgery unless the podiatrist is actually licensed on the basis of such degree in the state(s) in which he practices.

(f) Obtain consultation whenever requested to do so by a patient or by those responsible for a patient's care. Further, the podiatrist shall refer a patient to another practitioner in any case where the referring podiatrist does not consider himself qualified to treat the patient, and may refer the patient to another practitioner where the referring podiatrist is unable to diagnose the illness or disease of the patient.

(g)

(1) A podiatrist who has personal knowledge based upon a reasonable belief that another podiatrist has engaged in illegal, unlawful, incompetent or fraudulent conduct in the practice of podiatry shall promptly report such conduct to a peer review or similar body, as defined in IC 34-4-12.6-1(c) [IC 34-4 was repealed by P.L. 1-1998, SECTION 221, effective July 1, 1998.], having jurisdiction over the offending podiatrist and the matter. This provision does not prohibit a podiatrist from promptly reporting said conduct directly to the committee of podiatric medicine. Further, a podiatrist who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of podiatric medicine, osteopathic medicine or medicine shall promptly report such conduct to the committee of podiatric medicine.

(2) A podiatrist who voluntarily submits himself/herself to, or is otherwise undergoing a course of treatment for, addiction, severe dependency upon alcohol or other drugs or controlled substances, or for psychiatric impairment, where such treatment is sponsored or supervised by an impaired podiatrists committee of a state, regional or local organization of professional health care providers, or where such treatment is sponsored or supervised by an impaired podiatrists committee of a hospital, shall be exempt from reporting to a peer review committee as set forth in subsection (g)(1) or to the committee of podiatric medicine for so long as:

(A) the podiatrist is complying with the course of treatment;

(B) the podiatrist is making satisfactory progress. If the podiatrist fails to comply with, or is not benefited by, the course or treatment, the podiatrist chief administrative officer, his designee, or any member of, the impaired podiatrists committee shall promptly report such facts and circumstances to the committee of podiatric medicine. This subsection shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to prohibit, restrict, limit or otherwise preclude the committee of podiatric medicine from taking such action as it deems appropriate or as may otherwise be provided by law.

(h) A podiatrist may administer local anesthesia.

(i) Podiatrists may prescribe and administer drugs necessary in the practice of their profession if they apply to a primary condition or disease of the foot. A podiatrist with staff privileges within a hospital, medical or health care facility may prescribe such drugs, medicines, or treatments to maintain the health of the patient in conjunction and cooperation with the co-admitting physician, the patient's physician, or the medical director (M.D. or D.O.) of the facility.

(j) The podiatric surgeon of record is responsible for maintaining the health of the patient pre-operatively, operatively, and post-operatively until the patient is discharged from his service, except for the regular long-term or systematic control of systemic diseases that are under the care of a medical or osteopathic physician.

(k) A podiatrist shall not attempt to exonerate himself from or limit his liability to a patient for his personal malpractice, except that a podiatrist may enter into agreements which contain informed, voluntary releases or waivers of liability in settlement of a claim made by a patient or by those responsible for a patient's care.

(l) A podiatrist shall not attempt to preclude, prohibit or otherwise prevent the filing of a complaint against him by a patient or other practitioner for any alleged violation of IC 25-29, 844 IAC 8, or any other law.

(Board of Podiatric Medicine; 845 IAC 1-6-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2726; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-1) to the Board of Podiatric Medicine (845 IAC 1-6-1) by P.L. 33-1993, SECTION 76, effective July 1, 1993.

#### **845 IAC 1-6-2 Fees for services**

**Authority: IC 25-29-1-3**

**Affected: IC 25-29-1-6.1**

Sec. 2. (a) Fees charged by a podiatrist for his professional services shall be reasonable and shall reasonably compensate the podiatrist only for services actually rendered.

(b) A podiatrist shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee. Factors to be considered in determining the reasonableness of a fee include, but are not limited to, the following:

(1) the difficulty and/or uniqueness of the services performed and the time, skill and experience required;

(2) the fee customarily charged in the locality for similar practitioner services;

(3) the amount of charges involved;

(4) the quality of performance;

(5) the nature and length of the professional relationship with the patient; and

(6) the experience, reputation and ability of the practitioner in performing the kind of services involved.

(c) A podiatrist shall not divide a fee for professional services with another practitioner who is not a partner, employee, or shareholder in a professional corporation, unless:

(1) the patient consents to the employment of the other practitioner after a full disclosure that a division of fees will be made; and

(2) the division of fees is made in proportion to actual services performed and responsibility assumed by each practitioner.

(d) A podiatrist shall not pay, demand, or receive compensation for referral of a patient, except for a patient referral program operated by a podiatry association which is approved by the board.

(e) A podiatrist shall not charge a separate and distinct fee for the incidental, administrative, nonmedical service of securing admission of a patient to a hospital or other medical or health care facility.

(f) A podiatrist shall not base his fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition which may or may not develop, occur or happen.

(Board of Podiatric Medicine; 845 IAC 1-6-2; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1533; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-2) to the Board of Podiatric Medicine (845 IAC 1-6-2) by P.L. 33-1993, SECTION 76, effective July 1, 1993.

#### **845 IAC 1-6-3 Responsibility for employees**

**Authority: IC 25-29-1-3**

**Affected: IC 25-29-1-6.1**

Sec. 3. A podiatrist shall be responsible for the conduct of each and every person employed by the podiatrist (whether such employee is a podiatrist, nurse, or other specific professional health care provider employed by the podiatrist) for every action or failure to act by said employee or employees in the course of said employee(s) relationship with said podiatrist; provided, however, that a podiatrist shall not be responsible for the actions of persons he may employ whose employment by the podiatrist does not relate directly to the podiatrist's practice of podiatric medicine or surgery.

(Board of Podiatric Medicine; 845 IAC 1-6-3; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1533; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)  
NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-3) to the Board of Podiatric Medicine (845 IAC 1-6-3) by P.L.33-1993, SECTION 76, effective July 1, 1993.

#### **845 IAC 1-6-4 Advertising**

**Authority: IC 25-29-1-3**

**Affected: IC 25-29-1-6.1**

Sec. 4. (a) A podiatrist shall not, on behalf of himself, a partner, associate, shareholder in a professional corporation, or any other practitioner or specific health care provider affiliated with the podiatrist, use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive or unfair statement or claim.

(b) In order to facilitate the process of informed selection of a podiatrist by the public, a podiatrist may advertise services through the public media including, but not limited to, a telephone directory, podiatrist's directory, newspaper or other periodical, radio or television, or through written communication not involving personal contact, provided that the advertisement is dignified and confines itself to the existence, scope, nature and field of practice of the podiatrist.

(c) If the advertisement is communicated to the public by radio, cable, or television, it shall be prerecorded, approved for broadcast by the podiatrist, and a recording and transcript of the actual transmission shall be retained by the podiatrist for a period of five (5) years from the last date of broadcast.

(d) If the podiatrist advertises a fee for a service, treatment, consultation, examination, radiographic study, or other procedure, the podiatrist must render that service or procedure for no more than the fee advertised.

(e) Unless otherwise specified in the advertisement, a podiatrist who publishes or communicates fee information in a publication that is published more frequently than one (1) time per month shall be bound by any representation made therein for a period of thirty (30) days after the publication date. A podiatrist who publishes or communicates fee information in a publication that is published once a month or less frequently shall be bound by any representation made therein until the publication of the succeeding issue. A podiatrist who publishes or communicates fee information in a publication which has no fixed date for publication of a succeeding issue shall be bound by any representation made therein for one (1) year.

(f) Unless otherwise specified, a podiatrist who broadcasts fee information by radio, cable or television shall be bound by any representation made therein for a period of ninety (90) days after such broadcast.

(g) Except as otherwise specified in this section, a podiatrist shall not contact or solicit individual members of the public personally or through an agent in order to offer services to such person or persons unless that person initiated contact with the podiatrist for the purpose of engaging that podiatrist's professional services.

(h) Any advertisement for podiatric medical treatment shall include the name(s) of the licensed podiatrist(s) associated with such treatment

facility or employed by the treatment facility or employed by another podiatrist.

(i) A podiatrist must include the title "Chiropodist" or "Podiatrist", in any advertisement.

(Board of Podiatric Medicine; 845 IAC 1-6-4; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1533; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2728; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-4) to the Board of Podiatric Medicine (845 IAC 1-6-4) by P.L.33-1993, SECTION 76, effective July 1, 1993.

#### **845 IAC 1-6-5 Referrals**

**Authority: IC 25-29-1-3**

**Affected: IC 25-29-1-6.1**

Sec. 5. A podiatrist may, whenever the podiatrist believes it to be beneficial to the patient, send or refer a patient to a qualified specific professional health care provider's scope of practice. Prior to any such referral, however, the podiatrist shall examine or consult with the patient to insure that a condition exists in the patient which would be within the scope of practice of the specific professional health care provider to whom the patient is referred or sent.

(Board of Podiatric Medicine; 845 IAC 1-6-5; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1534; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-5) to the Board of Podiatric Medicine (845 IAC 1-6-5) by P.L.33-1993, SECTION 76, effective July 1, 1993.

#### **845 IAC 1-6-6 Discontinuance of practice**

**Authority: IC 25-29-1-3**

**Affected: IC 25-29-1-6.1**

Sec. 6. (a) A podiatrist, upon his retirement, or upon discontinuation of the practice of podiatric medicine or surgery, or upon leaving or moving from a community, shall not sell, convey [*sic.*] or transfer for valuable consideration, remuneration or for anything of value, patient records of that podiatrist to any other practitioner.

(b) A podiatrist, upon his retirement, or upon discontinuation of the practice of podiatric medicine or surgery, or upon leaving or moving from a community, shall notify all of his active patients in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that he intends to discontinue his practice of podiatric medicine and surgery in the community, and shall encourage his patients to seek the services of another practitioner; provided, however, that this subsection shall not apply to persons solely engaged in internship, residency, preceptorship, fellowship, teaching or other postgraduate medical education or training programs. The podiatrist discontinuing his practice shall make reasonable arrangements with his active patients for the transfer of his records, or copies thereof, to the succeeding practitioner or to a program conducted by a podiatry association approved by the committee.

(c) As used in this section, "active patient" means a person whom the podiatrist has examined, treated, cared for, or otherwise consulted with, during the two (2) year period [*sic.*] to retirement, discontinuation of the practice of podiatric medicine or surgery, or leaving or moving from a community.

(d) Nothing provided in this section shall preclude, prohibit or prevent a podiatrist from conveying or transferring the podiatrist's patient records to another licensed practitioner who is assuming a practice, provided that written notice is given to all patients as specified in this section.

(Board of Podiatric Medicine; 845 IAC 1-6-6; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1534; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2728; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-6) to the Board of Podiatric Medicine (845 IAC 1-6-6) by P.L.33-1993, SECTION 76, effective July 1, 1993.

#### **845 IAC 1-6-7 Violation of standards**

**Authority:** IC 25-29-1-3

**Affected:** IC 25-29

Sec. 7. Failure to comply with the standards of professional conduct and competent practice of podiatry specified in 844 IAC 8-6 may result in disciplinary proceedings against the offending podiatrist. Further, all podiatrists licensed in Indiana shall be responsible for having knowledge of the standards of conduct and practice established by IC 25-29 and 844 IAC 8.

(Board of Podiatric Medicine; 845 IAC 1-6-7; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1535; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-7) to the Board of Podiatric Medicine (845 IAC 1-6-7) by P.L.33-1993, SECTION 76, effective July 1, 1993.

#### **845 IAC 1-6-8 Licensure fees (Repealed)**

Sec. 8. (Repealed by Board of Podiatric Medicine; filed Oct 6, 2003, 5:00 p.m.: 27 IR 529)

#### **845 IAC 1-6-9 Licensure fees**

**Authority:** IC 25-1-8-2; IC 25-29-2-11

**Affected:** IC 25-29-1-3; IC 25-29-1-5

Sec. 9. (a) A candidate for examination shall purchase the examination directly from the examination service.

(b) The application/issuance fee for a license to practice, as a doctor of podiatric medicine, by examination is one hundred fifty dollars (\$150).

(c) The application/issuance fee for a license to practice, as a doctor of podiatric medicine, by endorsement is one hundred fifty dollars (\$150).

(d) The fee for verification of a license to another state or jurisdiction is ten dollars (\$10).

(e) The fee for a duplicate wall certificate is ten dollars (\$10).

(f) The fee for a temporary permit or limited license is fifty dollars (\$50).

(g) The fee for renewal of the license to practice is one hundred dollars (\$100) every two (2) years.

(h) The fee for renewal of the license that is in inactive status is fifty dollars (\$50) every two (2) years.

(i) The fees are subject to change in accordance with the health professions bureau fee schedule.

(j) All application fees are nonrefundable.

(Board of Podiatric Medicine; 845 IAC 1-6-9; filed Oct 6, 2003, 5:00 p.m.: 27 IR 529; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

#### **Rule 7. Reinstatement to Practice**

##### **845 IAC 1-7-1 Evidence for reinstatement**

**Authority:** IC 25-22.5-2-7

**Affected:** IC 25-29

Sec. 1. No person whose license to practice podiatric medicine has been suspended shall be eligible for reinstatement unless that person establishes by clear and convincing evidence before the committee that:

(1) the person desires in good faith to obtain restoration of such license;

(2) the term of suspension prescribed in the order of suspension has elapsed;

(3) the person has not engaged in that practice for which that person was licensed, in this state or has attempted to do so from the date discipline was imposed;

(4) the person has complied fully with the terms, if any, of the order for suspension;

(5) the person's attitude with regard to the misconduct, violation of law or rule, or incompetent practice for which the person was disciplined is one of genuine remorse;

(6) the person has a proper understanding, of and attitude towards, the standards that are imposed by statute or rule upon persons holding such license, as had been suspended or revoked and the person can be reasonably expected to conduct himself/herself in conformity with such standards;

(7) the person can be safely recommended to the public and applicable professions as a person fit to be reinstated and is able to practice his/her profession with reasonable skill and safety to patients;

(8) the disability has been removed, corrected or otherwise brought under control if the suspension was imposed by reason of physical or mental illness or infirmity, or for use of or addiction to intoxicants or drugs;

(9) the person has successfully taken and completed such written examinations and tests as may be required by the committee, and has completed such professional training or education under a preceptorship as may be required.

(Board of Podiatric Medicine; 845 IAC 1-7-1; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2729; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823;

readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-7-1) to the Board of Podiatric Medicine (845 IAC 1-7-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

##### **845 IAC 1-7-2 Petitions for reinstatement**

**Authority:** IC 25-22.5-2-7

**Affected:** IC 25-29

Sec. 2. Any person whose license has been suspended may apply for reinstatement by filing with the committee a petition setting forth that the requirements of 844 IAC 8-7-1 have been satisfied or complied with. Six (6) copies of such petition shall be filed with the medical licensing board, together with a filing fee of two hundred dollars (\$200). Upon the filing of such petition and payment of the filing fee, the committee shall schedule a hearing. After the hearing the committee shall determine whether the petitioner has met the requirements set forth in 844 IAC 8-7-1, and shall determine whether, as a condition of reinstatement, disciplinary or corrective measures, including, but not limited to, reexamination, additional training or postgraduate education, or a preceptorship, should be imposed. The committee shall thereafter, upon satisfactory compliance with the requirements of 844 IAC 8-7-1 and of any and all disciplinary and corrective measures which may be imposed, enter an order continuing the suspension or reinstating a license to the petitioner. Any person filing for reinstatement shall be responsible for the payment of any and all costs incurred by the committee in conducting a hearing upon said petition for reinstatement which exceed the amount of the filing fee. Any such costs shall be paid by the petitioner within fifteen (15) days of the receipt of a statement therefore from the committee. In no event will there be any refund or rebate of any part of the filing fee.

(Board of Podiatric Medicine; 845 IAC 1-7-2; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2729; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823;

readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)

NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-7-2) to the Board of Podiatric Medicine (845 IAC 1-7-2) by P.L.33-1993, SECTION 76, effective July 1, 1993.

#### **845 IAC 1-7-3 Duties of suspended licensees**

**Authority:** IC 25-22.5-2-7

**Affected:** IC 25-29

Sec. 3. In any case where a person's license has been suspended, said person shall:

(1) Within thirty (30) days from the date of the order of suspension, file with the committee of podiatric medicine an affidavit showing that:

(A) All active patients then under the licensee's care have been notified in the manner and method specified by the committee of the licensee's suspension and consequent inability to act for or on their behalf in a professional capacity. Such notice shall advise all such patients to seek the services of another licensee of good standing of their own choice.

(B) All hospitals, medical and health care facilities where such licensee has privileges or staff status have been informed of the suspension order.

(C) Reasonable arrangements were made for the transfer of patient records, radiographic studies, and test results, or copies thereof, to a succeeding licensee employed by the patient or those responsible for the patient's care.

(2) Notify in writing, by first class mail, the following organizations and governmental agencies of the revocation of licensure:

(A) Indiana department of public welfare;

(B) Social Security Administration;

(C) the podiatric licensing board(s), or equivalent state agency, of each state in which the person is licensed;

(D) Drug Enforcement Administration;

(E) Indiana hospital association;

(F) state podiatric medical association;

(G) Indiana pharmacists association;

(H) American Podiatric Medical Association.

(3) Proof of compliance with this section shall be a condition precedent to reinstatement.

*(Board of Podiatric Medicine; 845 IAC 1-7-3; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2730; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)*

*NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-7-3) to the Board of Podiatric Medicine (845 IAC 1-7-3) by P.L. 33-1993, SECTION 76, effective July 1, 1993.*

#### **845 IAC 1-7-4 Protection of patients' interest**

**Authority:** IC 25-22.5-2-7

**Affected:** IC 25-29

Sec. 4. Whenever a person's license has been suspended, and said person has not fully complied with the provisions of 844 IAC 8-7-2 and 844 IAC 8-7-3, or if said licensee has disappeared or died or is otherwise unable to comply with said sections, the committee of podiatric medicine shall request the health professions bureau or any state podiatric medical association or any county podiatric medical association to take such action as may be appropriate to protect the interests of that person's patients.

*(Board of Podiatric Medicine; 845 IAC 1-7-4; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2730; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)*

*NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-7-4) to the Board of Podiatric Medicine (845 IAC 1-7-4) by P.L. 33-1993, SECTION 76, effective July 1, 1993.*

#### **Rule 8. Temporary Permits (Repealed)**

*(Repealed by Board of Podiatric Medicine; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285)*

#### **Rule 8.1. Temporary Permits**

##### **845 IAC 1-8.1-1 Temporary permits; licensure by endorsement**

**Authority:** IC 25-29-2-11

**Affected:** IC 25-29-5-2

Sec. 1. Persons holding a valid podiatric medical license or certificate to practice podiatric medicine in a state, territory, or possession of the United States who seek licensure in Indiana may be granted a temporary permit where the applicant meets the requirements of 845 IAC 1-3-1. The permit shall remain in effect until the license by endorsement for which application has been made is issued or denied by the board. The nonrefundable fee for a temporary permit as required under 845 IAC 1-6-8 must be paid at the time application is made.

*(Board of Podiatric Medicine; 845 IAC 1-8.1-1; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)*

##### **845 IAC 1-8.1-2 Limited license; postgraduate program**

**Authority:** IC 25-29-2-11

**Affected:** IC 25-29-5-3

Sec. 2. (a) A limited license may be issued to an applicant who wishes to train in an educational institution or hospital as specified in IC 25-29-5-3. Such applicant must submit the following:

(1) A completed application supplied by the board. This application is to be accompanied by the nonrefundable fee specified in 845 IAC 1-6-8.

(2) Proof of all academic requirements for the degree of doctor of podiatric medicine from a school approved by the Council on Podiatric Medical Education.

(3) Satisfactory evidence that he or she has not been the subject of disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public.

(4) Satisfactory evidence that he or she does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(5) A completed certification form showing evidence that the applicant has been accepted into a postgraduate program approved by the board.

(b) Approved postgraduate training programs are those approved by the Council on Podiatric Medical Education.

(c) Limited licenses issued under this section shall limit the applicant's practice of podiatric medicine to the postgraduate education program approved by the board in which the applicant is employed, assigned, or enrolled. This limitation shall be stated on the face of the limited license.

*(Board of Podiatric Medicine; 845 IAC 1-8.1-2; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA)*